Vol I

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Assembly Proceedings

Official Report

West Bengal Legislative Assembly

First Session

(November-January, 1947-48)

The 21st, 25th, 26th, 27th November, 1947, and the 8th, 9th, 10th, 11th December, 1947, and the 5th, 6th, 8th, 9th, 12th, 13th, 14th and 15th January, 1948

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1948

GOVERNMENT OF WEST BENGAL.

GOVERNOR.

His Excellency CHAKRAVORTY SRI RAJAGOPALACHARI.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Dr. PRAFULLA CHANDRA GHOSE, Minister in charge of the Home Department, and of the Education Department.

(2) The Hon'ble Dr. SURESH CHANDRA BANERJEE, Minister in charge of the Department of Commerce, Labour and Industries.

(3) The Hon'ble Sri HEM CHANDRA NASKAR, Minister in charge of the Department of Agriculture, Forests and Fisheries.

(4) The Hon'ble Sri KAMAL KRISHNA ROY, Minister in charge of the Department of Co-operation, Credit and Relief.

(5) The Hon'ble Sri KALIPADA MUKHERJI, Minister in charge of the Department of Land and Land Revenue and of the Jails Branch of the Department of Health and Local Self-Government.

(6) The Hon'ble Sri MOHINI MOHAN BURMAN, Minister in charge of Judicial and Legislative Departments.

(7) The Hon'ble Sri ANNADA PROSAD CHOWDHURI, Minister in charge of the Finance Department, and of the Department of Health and Local Self-Government excluding the Jails Branch.

(8) The Hon'ble Sri CHARU CHANDRA BHANDARI, Minister in charge of the Department of Civil Supplies.

(9) The Hon'ble Sri BHUPATI MAJUMDAR, Minister in charge of the Department of Irrigation and Waterways, and of the Department of Works and Buildings.

WEST BENGAL LEGISLATIVE ASSEMBLY

PRINCIPAL OFFICERS

SPEAKER.

The Hon'ble Sri ISWAR DAS JALAN.

DEPUTY SPEAKER.

SRI ASHUTOSH MALLICK.

SECRETARY.

Sri AJITA RANJAN MUKHERJEA, M.SC., B.L.

ASSISTANT SECRETARY.

Sri CHARU CHANDRA CHAKRABARTY, B.L.

REGISTRAR.

Janab RAFIQUR RAHMAN, M.A., B.L.

ALPHABETICAL LIST OF MEMBERS.

A

Abdul Wahid Sarkar, Mr. [Hooghly.]
Abdur Rahman, Mr. A. F. M. [24-Parganas North-East.]
Abdur Rahman Siddiqi, Mr. [Muslim Chamber of Commerce.]
Abul Hashem, Mr. [Burdwan.]

B

Bandopadhaya, Sri Pramatha Nath. [Midnapore South-West.]
Banerjee, Sri Sibnath. [Howrah (Registered Factories).]
Banerjee, Sri Susil Kumar. [Howrah.]
Banerji, The Hon'ble Dr. Suresh Chandra. [Calcutta and Suburbs (Registered Factories).]
Barman, The Hon'ble Sri Mohini Mohan. [Jalpaiguri-*cum*-Siliguri.]
Basu, Sri Hemanta Kumar. [Calcutta North.]
Basu, Sri Jyoti. [Railway Trade Union.]
Bhandari, The Hon'ble Sri Charu Chandra. [24-Parganas North-West.]
*Bhattacharyya, Sri Shyamapada. [Murshidabad.]
Bose Sri Satish Chandra. [Calcutta South.]
Brahmin, Sri Ratanlal. [Darjeeling Sadar.]

*Parliamentary Secretary.

C

Chakravarty, Sri Satish Chandra. [Northern Districts Municipal.]
Choudhury, The Hon'ble Sri Annada Prosad. [Jhargram-*cum*-Ghatal.]
Clarke, Mr. C. E. [Calcutta Trades Association, Indian Jute Mills Association, Indian Tea Association and Indian Mining Association.]

D

Das, Srijukta Bina. [Calcutta.]
Das, Sri Radha Nath. [Hooghly North-East.]
Das Gupta, Sri Khagendra Nath. [Jalpaiguri-*cum*-Siliguri.]
Dass, Sri Kanai Lal. [Burdwan Central.]
*De, Sri Kanai Lal. [Bankura West.]
Dolui, Sri Harendra Nath. [Jhargram-*cum*-Ghatal.]
Dutta, Sri Sukumar. [Hooghly South-West.]
Dutt-Mazumdar, Sri Niharendu. [Barrackpore (Registered Factories).]

G

Ganguli, Sri Bepin Behari. [24-Parganas Municipal.]
Gayen, Sri Arabinda. [Howrah.]
Ghose, Sri A. K. [Bengal National Chamber of Commerce.]
Ghose, Sri Bimal Comar. [Bengal National Chamber of Commerce.]
Ghosh, The Hon'ble Dr. P. C. [Birbhum.]
Gomes, Mr. D. [Calcutta-*cum*-Presidency Division.]
Gupta, Sri J. C. [Calcutta South Central.]
Gurung, Sri Damber Singh. [Darjeeling.]

H

Haldar, Sri Kuber Chand. [Murshidabad.]
Hassan Ali, Mr. [West Dinajpur.]
Husan Ara Begum. [Calcutta.]

I

Ilias Ali Molla, Mr. [24-Parganas Central.]

J

Jalan, The Hon'ble Sri Iswar Das. [Calcutta West.]
Jasimuddin Ahmed, Mr. [24-Parganas South.]

K

Kazem Ali Mirza, Shahibzada Kawan Jah Saiyid, Mr. [Murshidabad South-West.]
Khaitan, Sri Debiprosad. [Indian Chamber of Commerce.]
Khuda Bukhsh, Mr. Md. [Berhampore.]

M

Mahammad Sayeed Mia, Mr. [Malda.]
Mahanty, Sri Charu Chandra. [Midnapore Central.]
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan. [Burdwan Land holders.]

*Parliamentary Secretary.

Maiti, Sri Nikunja Behari. [Burdwan Division North Municipal.]
Majhi, Sri Nishapati. [Birbhum.]
Majumdar, The Hon'ble Sri Bhupati. [Hooghly-*cum*-Howrah Municipal.]
Mal, Sri Iswar Chandra. [Midnapore South-East.]
Mallick, Sri Ashutosh. [Bankura West.]
Mandal, Sri Annadaprasad. [Burdwan North-West.]
*Mandal, Sri Bankubehari. [Burdwan North-West.]
*Mandal, Sri Krishna Prasad. [Midnapore Central.]
Martuza Reza Chowdhury Mr [Jangipur.]
Mohamad Rafique, Shaik, J P. [Calcutta North.]
Mohammad Sharif Khan, Mr. [Hooghly-*cum*-Howrah Municipal.]
Molla Mohammad Abdul Halim, Mr. [Nabadwip.]
Mookerjee, The Hon'ble Sri Kalipada. [Calcutta East.]
Mudassir Hossain, Mr. [Birbhum.]
Muhammad Idris, Mr [Howrah.]
Muhammad Qumruddin, Mr [Barrackpore Municipal.]
Muhammad Siddique, Dr. Syed [Bankura.]
Mukherji, Sri Dhirendra Narayan [Hooghly North-East.]
Murarka, Sri Basantlal. [Calcutta Central.]
Musharruff Hossain, Mr [Jalpaiguri-*cum*-Darjeeling.]

N

Naskar, Sri Ardhendu Sekhar [24-Parganas North-West.]
Naskar, The Hon'ble Sri Hem Chandra. [24-Parganas South-East.]

P

Panja, Sri Jadabendra Nath [Bardwan Central.]
Pentony, Mr L. R [Anglo-Indian.]
Platel, Mr R E [Anglo-Indian.]
Poddar, Sri Anandilal. [Marwari Association.]
Pramanik, Sri Rajani Kanta [Midnapore East.]

R

Ray, The Hon'ble Sri Kamal Krishna. [Bankura East.]
Ricketts, Mrs. E. M [Anglo-Indian.]
Roy, Dr. Bidhan Chandra. [University.]
Roy, Sri Jajneswar [Jalpaiguri-*cum*-Siliguri.]

S

en, Sri Debendra Nath. [Colliery (Coal Mines).]
erajuddin Ahammad, Mr [Midnapore.]
inha, Sri Bimal Chandra [24-Parganas South-East.]

W

Valker, Mr. J. R. [Bengal Chamber of Commerce.]
Vilks, Mr. G. C. D. [Anglo-Indian.]

Z

nan, Mr. A. M. A. [Hooghly-*cum*-Serampore (Registered Factories).]

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*Parliamentary Secretary.

THE WEST BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the First Session.

(November-January, 1947-48.)

Volume I.

Volume LXXVIII—No. 1.

roceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 21st November, 1947, at 2 p.m.

Present:

Mr. Speaker (Sir UDAY CHAND MAHTAB, Maharajadhiraj Bahadur of Burdwan and subsequently the Hon'ble Shri ISWAR DAS JALAN) in the Chair, 8 Hon'ble Ministers and 59 members.

Oath or Affirmation of Allegiance.

Mr. SPEAKER (Maharajadhiraj Sir Uday Chand Mahtab Bahadur of Burdwan): Ladies and Gentlemen, if there is any member present who has not yet taken the prescribed oath he may now do so.

The following members then took their oath or affirmation of allegiance.

(1) Mr. George Charles Duncan Wilks, and

(2) Mr. Abdur Rahman Siddiqi.

Mr. SPEAKER: Is there any other member who has not yet taken his oath?

(*No response.*)

Now, we will proceed with the business of the House.

Point of Order.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, may I rise to a point of order on the question of privilege of the House? I do not know whether the report published in the newspaper is correct, but an honourable member elected to this House has to take the oath before the House. I wonder if we should allow the Executive to encroach upon the right of the Legislature on this point, and until such an oath is taken before us I doubt if the correct status of the honourable member who did it in the Government House and not in this hall, is properly established.

Mr. SPEAKER: Under section 67 it is permissible for a member to take his oath from His Excellency the Governor and I think it was under that section that the gentleman you mentioned took his oath.

Resolution.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: সভাপতি মহাশয়, আমি াপনার অনুমতি চাইছি এই প্রস্তাব উপস্থিত করবার জন্য।

পশ্চিম বাংলার ব্যবস্থা পরিষদ এই প্রথম অধিবেশনে প্রদেশের সকল অধিবাসীকে সাদর সম্ভাষণ াপন করিতেছে এবং স্বাধীনতা লাভের জন্য যাঁহারা অশেষ দুঃখ বরণ ও প্রাণত্যাগ করিয়াছেন তাঁহাদের তি শ্রদ্ধাঞ্জলি অর্পণ করিতেছে।

এই ব্যবস্থা পরিষদ স্বাধীনতা আন্দোলনের প্রধান সেনাপতি মহাত্মা গান্ধীর প্রতি শ্রদ্ধাঞ্জলি নিবেদন করিতেছে এবং হিন্দু-মুসলমান সম্প্রীতি স্থাপনে তাঁহার মৌলিক অবদান কৃতজ্ঞতা সহকারে স্মরণ করিতেছে।

এই ব্যবস্থা পরিষদ নেতাজী সুভাষ চন্দ্র বসুর প্রতিও শ্রদ্ধা জ্ঞাপন করিতেছে এবং ভারতীয় স্বাধীনতা আন্দোলনে তাঁহার দান কৃতজ্ঞতার সহিত স্মরণ করিতেছে।

[The following is the English translation of the resolution:]

This West Bengal Legislative Assembly at its first sitting sends its hearty greetings to the people of West Bengal and pays its respectful homage to those who have laid down their lives and undergone great suffering for the attainment of freedom.

This West Bengal Assembly pays its respectful homage to Mahatma Gandhi—the General of our Freedom Momement. This Assembly remembers with gratitude his fundamental contribution for achieving Hindu-Muslim amity.

This West Bengal Assembly also pays its respectful tribute to Netaji Subhas Chandra Bose and gratefully remembers the services rendered by him to the cause of Indian Freedom.

এই প্রস্তাব সম্বন্ধে আমি বিশেষ বক্তৃতা করতে চাই না। এই প্রস্তাবের মধ্যে যে কথা রয়েছে তারই থেকে সকলে বুঝতে পারবেন আমাদের অন্তরের ইচ্ছা কি এবং আমি চাই যে এই প্রস্তাব সকলে সর্ব্ব-সম্মতিক্রমে গ্রহণ করুন। এর মধ্যে কোন মতদ্বৈধ আছে বলে আমার বিশ্বাস হয় না। মতদ্বৈধ থাকলে পরে এইভাবে এই সময় এই প্রস্তাব আমি এখানে উপস্থিত করতাম না। কোন মতদ্বৈধ নেই। আমি আশা করি এবিষয়ে সকলেই একমত। আপনারা প্রস্তাব গ্রহণ করুন। এর উপর আমি কোন বক্তৃতা দিতে চাই না। এই আমার নিবেদন।

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, we meet today for the first time in a Provincial Parliament of Independent India. The struggle for independence has been hard and the sacrifies have been many. It is therefore in the fitness of things, Sir, that on this auspicious and historic occasion we should remember the heroes who have fought valiantly and through suffering and travail guided the nation to the cherished goal. We must pay our homage of gratitude to Mahatma Gandhi, the apostle of non-violence and truth, who has been a perennial source of inspiration and strength to all the fighters in the national cause. We must also pay our homage to Pandit Jawaharlal Nehru, the great leader of men, whose unflinching loyalty to justice has won him international admiration. We must also remember today the great departed Netaji Subhas Chandra Bose, the greatest Bengalee who succeeded in bringing such a community and identity of interests and ideals among different sections and communities and whose Indian National Army is a living example of united action through inter-communal co-operation and harmony. We must pay our tribute of love and respect to the martyrs who are legion, who have made the supreme sacrifice in the cause of freedom of our motherland. We offer our congratulations to those who have braved all kinds of repression under the British regime and cheerfully courted imprisonment to keep the flag flying and hold their lofty ideals high. Sir, many of those brave and gallant sons and daughters of our dear motherland are not in the world of living to see the fruition of their noble efforts and for their memory, Sir, I humbly propose that we stand in silent prayer that in the midst of our rejoicing we do not forget them.

Mr. SPEAKER: Ladies and Gentlemen, I propose that we carry the resolution standing.

(The members rose in their seats.)

Now, the next item before the House is election of Speaker.

Demonstration before the Assembly.

Mr. JYOTI BASU : Mr. Speaker, Sir, আমরা এই next item নেবার আগে আমি আপনাকে এই কথা জানাতে চাই যে অসংখ্য কৃষক নানা জায়গা থেকে এসে এখানে আসছিলেন এই সভাকে, স্বাধীন বাংলাদেশের সভাকে সম্বর্দ্ধনা জানাবার জন্য। দুর্ভাগ্যের বিষয় পুলিশ হাওড়া এবং শিয়ালদার কাছে তাদের আটকিয়ে দিয়েছে। আমি জানি না এটা কেন হলো। আমাদের প্রধান মন্ত্রী একথা জানেন। তিনি আমাদের বলেছেন যে তাঁরা আসতে পারেন, কিন্তু disciplinedভাবে যাতে গণ্ডগোল না হয়। একথা তাদের জানিয়ে দেওয়া হয়েছিল কারণ তারা অভিনন্দন জানাতে আসছে। আমি জানি না পুলিশ কেন এই কাজ করলে। আমি জানতে চাই প্রধান মন্ত্রীর কাছে এ বিষয় এবং তিনি যদি বাইরে গিয়ে একটু দেখেন তাহলে সুবিধা হয়।

Mr. SPEAKER : I shall ask the Chief Minister to kindly explain the situation.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH : কালকে ভোরবেলা আমার কাছে যুক্ত কৃষ্ণ বিনোদ রায় যান, এ সম্বন্ধে কথা বলতে। তিনি আমাকে বলেন যে আপনাদের অভ্যর্থনা করবার জন্য পরিষদের মধ্যে সমস্ত কৃষককর্মী উপস্থিত হবে। আমি বলি যে পরিষদের সভাগৃহের সামনে এইরূপ combinedভাবে তাদের না আসাই বাঞ্ছনীয়। আমার অতীত অভিজ্ঞতা থেকে জেনেছি সেটা না করাই ঠিক হবে। তবে আমি তাঁকে বলি যে আপনারা যদি Wellington Squareএ কিম্বা ময়দানে কোন সভা করেন সেই সভায় আমরা যেতেও প্রস্তুত আছি, গিয়ে বক্তৃতা দিতেও প্রস্তুত আছি এবং কিষাণদের সম্বন্ধে আমাদের নীতি কি তা বলতেও প্রস্তুত আছি। এছাড়া অন্য কোন প্রকারের কোন প্রতিশ্রুতি দেওয়া হয় নাই। এবং তখন কৃষ্ণ বিনোদ বাবু বলেন যে আমি আপনার কথা শুনলাম কিন্তু এ বিষয়ে আমাদের মতামত কি তা আপনাকে পরে জানাবো। তারপরে রাত্রে telephone করে তিনি জানান, যে পরিষদ সম্বন্ধে আপনাদের যে মত তার সঙ্গে আমাদের মতবাদ ঠিক মেলে না। এই কথা বলেন। শেয়ালদা স্টেশনে কি হাওড়া স্টেশনে আটকেছে কিনা তা আমি ঠিক বলতে পারি না। এখানে কৃষ্ণ বিনোদ বাবু এবং আর এক ভদ্রলোক এসেছেন। তাঁর নাম ঠিক জানি না। তাঁরা বললেন যে ধর্মতলা স্ট্রীটের মোড়ে আটকিয়েছে। এই কথা আমাকে বললেন এই পরিষদ সভায় ঢোকবার দু মিনিট আগে। তাঁরা এই কথা আমাকে বললেন পুলিশ যেন না আটকায়। যদি আপনারা আগে বলতেন তাহলে হ'তো। আমি আগেও বলেছিলাম, এখনও আপনাদের অনুরোধ করছি যে এখানে আসবার প্রয়োজন নেই। আপনারা যদি ময়দানে সভা করেন কিম্বা Wellington Squareএ করেন আমি যেতে রাজি আছি, কিম্বা অন্য Minister, যাঁদের যাওয়া সম্ভবপর তাঁরা যেতে রাজি আছেন, গিয়ে বক্তৃতা দিতে রাজি আছেন। তখন তারা বলেন, তাহলে আমরা কি ওখানে বসে থাকবো না যাবো। আমি বলি সাড়ে তিনটা থেকে চারটার মধ্যে আমার এসেম্বিতে কাজ শেষ হলে আমি সেখানে ময়দানে গিয়ে বক্তৃতা দিতে রাজি আছি, এবং আমি আপনাদের অনুরোধ করি যে আপনারা সেখানে যান। এই কথা শুনে তাঁরা চলে গিয়েছেন। এর বেশী আর আমি কোন কিছু জানি না।

Election of Speaker.

Mr. SPEAKER: We will carry on the business before the House.

Nomination papers have been received and the name of Shri Iswar Das Jalan has been duly proposed and seconded—one by Mr. J. C. Gupta and Mr. Debendra Nath Sen and the other by Mr. Satish Chandra Bose and Mr. Harendra Nath Dolui, respectively. Both the papers are in order. As only one member has been nominated I declare Shri Iswar Das Jalan duly elected as Speaker of the West Bengal Legislative Assembly. (Applause.)

I do now request Mr. J. C. Gupta, the proposer and Mr. Debendra Nath Sen, the seconder, to bring in the duly elected Speaker.

(Shri Iswar Das Jalan was then conducted to the Speaker's Chair by Mr. J. C. Gupta and Mr. Debendra Nath Sen.)

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: শ্রীযুক্ত ঈশ্বর দাস জালান আমাদের পরিষদের Speaker নির্বাচিত হওয়ায়, সর্ববাদিসম্মতিক্রমে নির্বাচিত হওয়ায় তাঁকে আমি

সাদর অভিনন্দন জানাচ্ছি। তিনি যদিও আমাদের কংগ্রেস দলের একজন সভ্য, Speaker হওয়ার পরেও আমি জানি তিনি কংগ্রেসী দল কেন, কংগ্রেসী দলের বাইরে সবাইকে সমভাবে দেখবেন; এ বিষয়ে আমার বিন্দুমাত্রও সন্দেহ নেই। এবং তাঁর যে যোগ্যতার বলেই তিনি আজ এই স্থান অধিকার করতে পেরেছেন এবং কোন প্রতিদ্বন্দ্বিতা হয়নি তারজন্য আমরা সবাই সুখী, এবং আশা করি তিনি আমাদের এই যে পরিষদ, এই পরিষদের সম্মান অক্ষুণ্ণ বরাবরই রাখবেন, এবং রাখবার জন্য প্রাণপণ চেষ্টা করিবেন। আমাদের ভারতবর্ষের পরিষদে শ্রীযুক্ত বিঠল ভাই প্যাটেল যে উচ্চ আদর্শ স্থাপন করেছেন, আমি আশা করি, আমাদের এই যে Speaker, যাঁকে আমরা নির্বাচিত করলাম তিনিও সেই উচ্চ আদর্শকে রক্ষা করতে পারবেন এবং আমি আবার তাঁকে আমার সাদর অভিনন্দন জানিয়ে আসন গ্রহণ করছি।

Mr. A. F. M. ABDUR RAHMAN: Mr. Speaker, Sir, I join with the Hon'ble Leader of the House in offering my felicitation and also the sincere congratulation of the Muslim League Parliamentary Party to which I have the honour to belong. Sir, this is the first time in the history of the Provincial Legislature that a member of your community has adorned this high office of Speaker. You have shown your capacity in different spheres of public activities. As Councillor of the Calcutta Corporation you have contributed towards the improvement of city administration. You are a Solicitor of repute and we can leave with confidence the interpretation of rules at your hand. You are the custodian of the rights and privileges of every member of the House and the minority look with confidence to your help in claiming a just, fair and equitable treatment in the House. On behalf of my party I assure you full and sincere co-operation in the discharge of the onerous duty to your high office.

While felicitating, Sir, I should like to give an explanation to the House why I am speaking from this side of the House and the policy which the Muslim League Party proposes to adopt in the legislature. We were elected at a time when the interest of the Muslim India needed special safeguard. We worked through a communal party and we were returned on communal electorate. The agreement between the Congress and the League parties, the division of India into Pakistan and Indian Dominion based on agreement has now created a new situation. The Muslim community in the Indian Union now feel that with the advent of independence, when the nation of Indian Union is in the making, the Muslim community must contribute wholeheartedly in the making of that nation of which it feels proud to call itself a part. I therefore think that we are interpreting adequately the outlook of the Muslim community when I say that henceforth the Muslim League Party will support national programme based on progressive outlook. Our aim therefore will be to render what service we can in building up Indian Nation, in making it strong and powerful and enhancing its glory and prestige. It should be our endeavour to secure the maximum co-operation between the majority and the minority communities, and while we may have to press from time to time for a just, fair and equitable deal for the minorities, we trust that in course of time there will be a much clearer understanding between them and such identity of interest that the distinction between the majority and the minorities will fade and obliterate. Therefore, Sir, while we are sitting as members of the Opposition because we feel that it would be bad for any Government if it had no opposition to meet with which may help to keep it along the straight and narrow path, we shall help in the passage of all progressive measures for the benefit of the masses and we shall oppose only when we must. We desire, Sir, that the Government should help us in the creation of happy relation between all communities so that it may rest on the solid foundation of goodwill and mutual co-operation between all sections and communities in this province.

Mr. JYOTI BASU: স্পীকার মহোদয়, আমি Communist Partyর তরফ থেকে আপনাকে অভিনন্দন জানাচ্ছি। আমি এই বলে সময় নষ্ট করব না যে আপনি কিভাবে এই সভার কাজ চালাবেন এবং তার উপর কতখানি নির্ভর করে যে আমরা কত তাড়াতাড়ি জনগণের সুখ-সুবিধার

জন্য আইন-কানুন করতে পারব। আমি শুধু এইটুকু আপনাকে মনে করিয়ে দিতে চাই যে আপনি যদি নিরপেক্ষ এখানে না হন—এবং যেটা প্রধান মন্ত্রী এখনই বললেন—যদিও আপনি কংগ্রেসের, তবু স্পীকার হবার পর দলগত মতামত অনেকটা আপনি ভুলে যেতে না পারেন—তবে সভার কাজ গণতান্ত্রিক-ভাবে পরিচালিত হতে পারবে না। আমি জানি সেটা কতটা কঠিন আপনার পক্ষে হবে, তবু আমি অন্ততঃ আশা করব, এই দিক থেকে আপনার সজাগ দৃষ্টি সব সময় রাখবেন, কি করে আমরা প্রত্যেকে এই সভায় আমাদের স্বাধীন মতামত প্রচার করতে পারি। কারণ আজকের দিনে অতিদ্রুত আমাদের এত কাজ করবার আছে—শ্রমিক, কৃষক, মধ্যবিত্ত, তাদের স্বাস্থ্য, তাদের ভাত কাপড়ের জন্য, তাদের শিক্ষা ব্যবস্থা ইত্যাদির জন্য, আমাদের যে সমস্ত কাজ করতে হবে, আপনি যদি সেখানে সাহায্য আমাদের না করেন, তাহলে আমি জানি যে স্বাধীন বাংলার এই সভার কাজ আমরা ভালভাবে করতে পারব না। তারজন্য গতানুগতিকভাবে যে সমস্ত অভিনন্দন দেওয়া হয়ে থাকে আমি সেই দিক থেকে কোন কথা বলব না। আমি এই কথা বলব এখানে অনেক সময় যারা অল্প সংখ্যায় থাকে, সংখ্যালঘু যারা তাদের মতামত প্রকাশের অসুবিধা আমাদের দেশের আইন সভায় আছে। তা আমাদের পরাধীন অবস্থায়, পরাধীন দেশে হতে পেরেছে। কিন্তু আজকের দিনে আমরা নিশ্চয়ই আশা করব, নূতন ঐতিহ্যে আমরা বাংলাদেশকে গড়ে তুলব। সেইজন্য এই কথাই আমি বলব বাংলাদেশের আইন সভায় যে বিধি ব্যবস্থা আছে, শুধু সেইগুলি মেনে চললেই যথেষ্ট হবে না। আমি আশা করব, আপনি নূতন পরিস্থিতিতে নূতন আদর্শ দেখাবেন যাতে ভবিষ্যৎ আদর্শ হিসাবে এই সভার কাজ যেভাবে চলবে, দেশের সকলের সামনে সেই আদর্শ স্থাপন করবেন।

Mr. C. C. D. WILKS: Mr. Speaker, Sir, on behalf of the Anglo-Indian community and as an elected representative of a small minority in West Bengal I rise to offer my felicitations along with the felicitations that you have had from other members of this House. I feel that in your able hands we will receive fair and just treatment. We are a very small voice in this House, but you may rest assured that you will have our honest and whole-hearted support in anything which may come forward before this House for the benefit of the nationals of West Bengal.

Mr. SPEAKER (the Hon'ble Sri Iswar Das Jalan): Ladies and gentlemen, I thank you most heartily for the praise and signal honour that you have done me by electing me to the most dignified and honourable post of Speaker of the first Assembly of this Province of West Bengal which has met after India has attained her independence. This is not the Assembly with which we have been conversant so far. A few months before we were under the British sovereignity and when we were meeting in this House we were not meeting as an independent Parliament of this great Province of Bengal. Today happily we have won that independence for which thousands of our young men sacrificed their lives, thousands gladly and laughingly mounted the gallows and paid the highest penalty of losing their lives. Unfortunately for us we have not got the independence in the form in which we would have liked to get, and it is more unfortunate that our Province of Bengal has sufferred most in order to give independence to the whole of India. I know, ladies and gentlemen, that Bengal is a land from which nationalism has grown and has spread throughout this country. Even recently we have had Netaji Subhas Chandra Bose who led the independent army in order to attain the freedom of this country. Fortunately for us we have now got the freedom, and along with the freedom we have got an immense amount of responsibility which we have to discharge. We have got to see that the portion of Bengal, however small it may be, which has fallen to our lot, grows in stature and strength and attains its rightful position in the Indian Dominion.

Ladies and gentlemen, I know my limitations. I know that it is with your co-operation that I shall be able to discharge my functions properly. I can give you this assurance that in the discharge of my duty I will do what is just and proper without fear or frown. I will do it without any

regard for my party affiliations which are there and I can assure you that I shall be very happy if at the end of my term of office I can say that I have discharged my duties properly.

With these words I thank you, ladies and gentlemen, for the honour you have done me. (Applause.)

Election of Deputy Speaker.

Mr. SPEAKER: Gentlemen, we shall now proceed with the election of Deputy Speaker of this House. Two nomination papers have been received and duly proposed and seconded—one by Mr. J. C. Gupta and Mr. Debendra Nath Sen, and the other by Mr. Harendra Nath Dolui and Mr. Satish Chandra Bose, respectively. Both the papers are in order. As only one member has been nominated I declare Sri Ashutosh Mallick elected as Deputy Speaker of the West Bengal Legislative Assembly. (Applause.)

(Mr. J. C. Gupta and Mr. Debendra Nath Sen conducted Sri Ashutosh Mallick to his seat.)

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Speaker, Sir, এই পরিষদের Deputy Speaker পদে সর্বসম্মতিক্রমে নির্বাচিত হবার জন্য আমি শ্রীযুক্ত আশুতোষ মল্লিক মহাশয়কে আমার সাদর অভিনন্দন জানাচ্ছি। দীর্ঘকাল সেবার ফলে এবং অনেক দিন থেকে তিনি Assemblyর সদস্য আছেন বলে আজ তিনি তাঁর উপযুক্ত আসন পেয়েছেন এবং আমি সম্পূর্ণ ভরসা রাখি তিনি তাঁর যোগ্য স্থান, শুধু নিজের পদাধিকারবলে নয়, নিজের গুণের দ্বারা অলঙ্কৃত করে সকলকে সুখী করতে পারবেন এবং এই Houseএ এই পরিষদে যাঁরা সদস্য আছেন, সকলকে সমভাবে দেখে তিনি সকলের কাছে উচ্চ আদর্শ স্থাপন করতে পারবেন। শুধু এই কয়টি কথা বলে আমি আসন গ্রহণ করছি।

Mr. A. F. M. ABDUR RAHMAN: Mr. Speaker, Sir, through you we offer our sincere congratulations to the newly elected Deputy Speaker and we assure him, through you, our full support and hearty co-operation.

Mr. JYOTI BASU: Mr. Speaker, Sir, Deputy Speakerকে Communist Partyর তরফ থেকে আমি অভিনন্দন জানাচ্ছি।

Mr. G. C. D. WILKS: Mr. Speaker, I would like, through you, Sir, to offer our congratulations to the Deputy Speaker on his election and assure him of our support.

Mr. ABDUR RAHMAN SIDDIQI:

جناب اسپیکر صاحب، مجھ سے پہلے بہت سے حضرات آپ کو اور جناب ڈپیوٹی اسپیکر صاحب کو آج کے انتخابات پر مبارکباد دے چکے ہیں-میں آپ کی اور اسمبلی کی سمع خراشی نہ کرتا لیکن اتنی سب تقریریں بنگلہ زبان میں سننے کے بعد میری طبیعت نے گوارا نہ کیا کہ ملک کی قومی زبان یعنی اردو جو کشمیر سے راس‌کماری اور سندھ سے بنگال اور آسام تک بولی اور سمجھی جاتی ہے اس میں ہدیہ تہنیت نہ پیش کروں اور خاص کر ایسی حالت میں جب کہ بنگلہ نہ آپ کی اور نہ میری مادری زبان ہے-یہ موقع کسی لمبی تقریر کا نہیں ہے-آپ نے محسوس کیا ہوگا کہ اسمبلی کا کمرہ خالی خالی سا نظر آتا ہے-پرانے ساتھی بچھڑ گئے اور باقی ماندہ ممبر اس کمرے کو ادھا بھی پر نہیں کرسکتے-تاہم ہمیں کام تو کرنا ہی ہے-کم ہوں یا زیادہ مغربی بنگال میں ہمیں خلق خدا کی خدمت کرنی ہے-خواہ وہ ہندو ہوں یا مسلم یا عیسائی-جناب والا- ایک طرف حکومت اور اسکی زبردست اکثریت ہوگی اور دوسری طرف مٹھی بھر آدمی جن کی نہ کوئی گنتی نہ شمار-پارلمنٹوں کا پرانا دستور ہے کہ اسپیکر ان کے حقوق کا نگہبان ہوتا ہے اور ان کی پاسبانی کرتا ہے-یہ اس وجہ سے ضروری ہے کہ حکومت اور اس کے ساتھیوں کی تعداد ہمیشہ زیادہ ہوتی ہے اور خود

رہتا ہے کہ کہیں اپنی طاقت اور اپنے استبداد سے مخالفت کرنے والے رعایا کے نمائندوں کی زبانوں کو بند نہ کردے اور انہیں خاموش کرکے بولنے سے روک نہ دے- اس کے علاوہ ایک اور اصول بھی پارلمنٹ کو سیدھے رستے پر چلانے کے لئے ضروری سمجھا گیا ہے اور اسی پر برابر عمل کیا گیا ہے - وہ یہ ہے کہ ہر وہ شخص جو جلسے کی صدارت کرے اس کا فرض ہے کہ اپوزیشن (Opposition) کی سرپرستی کرے - اس کی حفاظت کرے - اس کی وکالت کرے اور اسے حکومت کے غصے اور غضب سے بچائے - اپوزیشن میں اس نئی اسمبلی میں مشکل سے پندرہ ممبر ہونگے - یہ لوگ آپ سے اس دوستی اور اس مہربانی کی پوری امید کرتے ہیں - اور انہیں یقین ہے کہ اس معاملے میں آپ برابر اور ہمیشہ ان کا خیال کرینگے - گو ضروری نہیں ہے تاہم میں آپ کو یقین دلاتا ہوں کہ یہ بیچارے کبھی دیدہ و دانستہ عدول حکمی نہ کرینگے بلکہ اس کی کوشش کرینگے کہ آپ کے فیصلے اور آپ کے احکام کو ہر وقت قبول کریں اور آپ کو کسی طرح شکایت کا موقع نہ دیں*

میں پھر سے آپ کو اور آپ کے نائب صاحب کو مبارکباد دیتا ہوں اور امید کرتا ہوں کہ یہ اسمبلی آپ کی نگرانی میں دن دونی اور رات چوگنی ترقی کریگی اور بنگال کی خدمت کرنے میں پوری کامیابی حاصل کریگی*

Mr. DEPUTY SPEAKER: (Sri Ashutosh Mallick) স্পীকার মহোদয়! আমি সর্বপ্রথমে পরিষদের সভ্যগণকে আমার আন্তরিক ধন্যবাদ জ্ঞাপন করছি। আমি ডেপুটী স্পীকার নির্বাচিত হওয়ায় আনন্দিত এবং সেজন্য নিজেকে কৃতার্থ মনে করছি। যদিও ডেপুটী স্পীকারের এই পরিষদে সভাপতিত্ব করবার সুযোগ ও সৌভাগ্য অত্যন্ত বিরল, সে অঘটন দৈবাৎ ঘটে থাকে, তথাপি আমি উক্ত পদের দায়িত্বের গুরুত্ব উপলব্ধি ক'রে তার অনাগত আতঙ্কে অভিভূত হয়ে পড়ছি। একথা কবুল ক'রতে আমার লজ্জা নাই। সভাপতি পদের যে কি গুরুত্ব তা আমি বিশেষভাবে জানি। আমি এ সভার একজন পুরাতন সভ্য; এবং এই পরিষদের কর্ম্মপরিচালনার পদ্ধতিও আমি বিশেষরূপে অবগত আছি। আমি আমার অযোগ্যতার বিষয়ে সম্পূর্ণ সজাগ। এসভার সভাপতিত্ব করবার যোগ্যতা আমার নাই; কিন্তু আমি জানি আমার সে অযোগ্যতায় আপনারা যোগ্যতা সম্পাদন করবেন। যে উদার বুদ্ধিতে আপনারা আমাকে এখানে নির্বাচিত ক'রেছেন সেই উদারবুদ্ধি প্রণোদিত হয়েই আপনারা আমাকে সাহায্যও ক'রবেন। আপনাদের সাহায্য, সহানুভূতি এবং সমর্থন পেলে আমি এ কর্ত্তব্যপালনে যোগ্যতা লাভ ক'রব। এ কার্য্যের যে দায়িত্ব, তাতে বিচক্ষণ, বিবেকী, বিজ্ঞ এবং বিচারক ব্যক্তিরও বিভ্রম উপস্থিত হয়।

আমি সর্বশক্তিমান্ ভগবানের নিকট প্রার্থনা করি যে তিনি আমাকে এমন বুদ্ধি ও শক্তি দেন যাতে আমি কর্ত্তব্য পালনে সমর্থ হই। আর একটি কথা—এই পরিষদ আমাকে শ্রদ্ধার আসন দিয়েছেন। আমি আপনাদের জানাচ্ছি আমার ঔদাসীন্য কিংবা ত্রুটি বিচ্যুতির দ্বারা পরিষদের মর্য্যাদা বা আদর্শ কোনরূপে ক্ষুণ্ণ হবে না।

পরিশেষে আর একবার সকলকে ধন্যবাদ জানাচ্ছি।

Panel of Chairmen.

Mr. SPEAKER: In accordance with the provisions of the West Bengal Legislative Assembly Procedure Rules I nominate the following members of the Assembly to form a panel of four Chairmen for the ensuing session:—

(1) Mr. J. C. Gupta,

(2) Mr. Muhammad Rafique,

(3) Mrs. E. M. Ricketts, and

(4) Mr. Radha Nath Das.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of the Assembly in my absence and in the absence of the Deputy Speaker.

ORDINANCES.

The Bengal Finance (Extending) Ordinance, 1947.

The Hon'ble Sri ANNADA PROSAD CHOUDHURY: Sir, I beg to lay the Bengal Finance (Extending) Ordinance, 1947 (Bengal Ordinance No. IV of 1947), under section 88(2)(a) of the Government of India Act, 1935.

The Bengal Special Powers (Second Amendment) Ordinance, 1947.

The Hon'ble Dr. PROFULLA CHANDRA GHOSH: সভাপতি মহাশয়; আমি এই পরিষদের সাম্‌নে the Bengal Special Powers (Second Amendment) Ordinance, 1947, উপস্থাপিত কর্‌ছি।

Mr. JYOTI BASU: Mr. Speaker, Sir, এই Ordinance রাখার আমার আপত্তি আছে।

Mr. J. C. GUPTA: The proper procedure is to formulate a proper motion to this Ordinance.

Mr. SPEAKER: The Hon'ble Prime Minister has laid it before the House. Is there any point of order?

Mr. JYOTI BASU: তাতে আপত্তি আছে; point of order নয়। I do not raise a point of order.

Mr. SPEAKER: If there is no point of order, there is no point in your objection now.

The Bengal Disturbed Areas Ordinance, 1947.

The Hon'ble Dr. PROFULLA CHANDRA GHOSH: আমি এর পরে আর এক Ordinance আপনাদের কাছে রাখছি—সেটা the Bengal Disturbed Areas Ordinance, 1947.

Mr. JYOTI BASU: On a point of order, Sir. I object to the laying of this Ordinance before the House.

আমি আপনাকে এর আগেরবার বোঝাবার চেষ্টা করেছিলাম এবার যেটা lay করা হচ্ছে হাউসের সাম্‌নে তাতেও আমার আপত্তি আছে। যখন একটা অর্ডিন্যান্স lay করা হয় হাউসের কাছে – lay করার আগে আমি বল্‌তে পারি যে I object to the laying of this Ordinance before the House.

Mr. NIKUNJA BEHARI MAITI: আইনের কোন্ ধারা মতে আপত্তি করা হচ্ছে?

Mr. SPEAKER: I may say there is a statutory order in the rules.

Mr. JYOTI BASU: Why can't I object to the very laying of the Ordinance before the House?

Mr. J. C. GUPTA: We are bound by rules laid down in the Government of India Act and these things have been promulgated by an Adaptation Order also. No member can raise any objection which is *ultra vires* to the provisions of the Act and therefore the objection which my friend wants to formulate cannot be done.

Mr. SPEAKER: I will hear Mr. Jyoti Basu as to what point of order he raises and then I will decide as to whether it is in order.

Mr. JYOTI BASU: Mr. Speaker, my point was that if any member wishes to bring a motion before the House, then it is the right of any other member to object to the very laying of that motion before the House.

Mr. NIKUNJA BEHARI MAITI: সভাপতি মহাশয়! আপনার কাছে আমার এই নিবেদন যে অর্ডিন্যান্স যখন করা হয় তখন গভর্ণমেন্ট নিজের ক্ষমতাবলেই তা করেন। যদি সে হাউসে

উপস্থিত করতে না দেওয়া হয় তাহলে গণতন্ত্র বিরোধী কাজ করা হয়। তাহলে গভর্ণমেন্টকে স্বেচ্ছাচারিতার প্রশ্রয় দিতে হয়। সুতরাং গণতন্ত্রের দিক দিয়ে যদি বিবেচনা করা যায় তাহলে গভর্ণমেন্টকে এই অর্ডিন্যান্স প্রথম সুযোগেই উপস্থাপিত করতে দেওয়া আবশ্যক, এবং তা যদি না হয় তাহলে সম্পূর্ণ অন্যায় হয়।

Mr. SPEAKER: Section 88(2) lays down that an Ordinance promulgated under this section shall be laid before the Provincial Legislature and according to this provision this is being laid. I, therefore, rule out the point of order.

The Calcutta Municipal (Amendment) Ordinance, 1947.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to lay the Calcutta Municipal (Amendment) Ordinance, 1947 (West Bengal Ordinance No. VIII of 1947), under section 88(2)(*a*) of the Government of India Act, 1935.

The West Bengal Criminal Law Amendment (No. II) Ordinance, 1947.

The Hon'ble Shri KALIPADA MOOKERJEE: মাননীয় স্পীকার মহাশয়; আপনার অনুমতি ক্রমে আমি the West Bengal Criminal Law Amendment (No. II) Ordinance, 1947, এই হাউসের সম্মুখে উপস্থাপিত করছি।

The West Bengal Premises (Requisition and Eviction) Ordinance, 1947.

The Hon'ble Shri KALIPADA MOOKERJEE: মাননীয় স্পীকার মহোদয়; আপনার অনুমতি ক্রমে আমি the West Bengal Premises (Requisition and Eviction) Ordinance, 1947, এই হাউসের সম্মুখে উপস্থাপিত করছি।

The West Bengal District Boards Ordinance, 1947.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to lay the West Bengal District Boards Ordinance, 1947 (West Bengal Ordinance No. XI of 1947), under section 88(2)(*a*) of the Government of India Act, 1935.

The West Bengal District School Boards Ordinance, 1947.

The Hon'ble Dr. PROFULLA CHANDRA GHOSH: সভাপতি মহাশয়, আমি এই পরিষদের সামনে the West Bengal District Boards Ordinance, 1947, রাখ্‌ছি।

GOVERNMENT RESOLUTION.

Damodar Valley Corporation.

The Hon'ble Shri BHUPATI MAJUMDAR: মাননীয় স্পীকার মহোদয়, আমি এই পরিষদের সামনে একটি প্রস্তাব পেশ করছি। এই পরিষদের মতে নিম্নলিখিত উদ্দেশ্যগুলি সম্পাদনের জন্য "দামোদর ভ্যালী করপোরেশন" নামে একটি প্রতিষ্ঠান গঠনের সহায়তাকল্পে যাহাতে ঐ করপোরেশন এই সমস্ত উদ্দেশ্য সাধনের জন্য আইন প্রণয়ন দ্বারা সকল ব্যবস্থা যায়..............................

Mr. SPEAKER: Mr. Majumdar, I would ask you to read the motion in the form in which it has been tabled.

The Hon'ble Shri BHUPATI MAJUMDAR: I beg to move that this Assembly is of opinion that in order to enable the constitution of a Corporation, to be called the Damodar Valley Corporation, for the following purposes, namely—

(1) the provision and operation of schemes for irrigation for agricultural purposes in the basin of the Damodar River;

(2) the provision and operation of schemes for water-supply from the Damodar River and its tributaries for industrial and domestic purposes;

(3) the provision and operation of schemes for the generation by hydro-electric and thermal means and the transmission and distribution of electric power;

(4) the provision of flood control for the Damodar River and its tributaries;

(5) the facilitation of navigation on the Damodar River, its tributaries, reservoirs and connected canals, and the improvement of flow conditions in the Hooghly and the navigation channels leading to the port of Calcutta;

(6) the promotion of afforestation, the control of soil erosion and the more profitable agricultural utilisation of lands in the Damodar basin;

(7) the promotion of industrial development, and the improvement of social conditions and public health in the basin the Damodar River;

it is desirable that all matters which it is necessary to regulate by legislation for the purpose of enabling the said Corporation to attain the said objects, including the giving to the Corporation of powers to levy such rates, tolls and fees as may be requisite, shall in so far as such matters are matters enumerated in the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935, be regulated by an Act of the Dominion Legislature.

Mr. SPEAKER: Before the Hon'ble Minister delivers his speech, may I know from Mr. Bimal Chandra Sinha whether he wants to move his amendment?

Mr. BIMAL CHANDRA SINHA: No, Sir.

The Hon'ble Shri BHUPATI MAJUMDAR: মাননীয় স্পীকার মহোদয়, এই পরিষদের মতে নিম্নলিখিত উদ্দেশ্যগুলি সম্পাদনের জন্য "দামোদর ভ্যালী করপোরেশন" নামে একটি প্রতিষ্ঠান গঠনের সহায়তা কল্পে যাহাতে ঐ করপোরেশন এই সমস্ত উদ্দেশ্য সাধনের জন্য আইন প্রণয়ন দ্বারা সকল ব্যবস্থা মায় প্রয়োজনমত রেট, টোল অথবা ফি ধার্য্য করিবার ক্ষমতাসহ গভর্ণমেণ্ট অফ ইণ্ডিয়া এ্যাক্টের সপ্তম সিডিউলে বর্ণিত প্রাদেশিক লেজিস্লেটিভ তালিকায় সন্নিবেশিত বিষয়গুলি ডোমিনিয়ন আইন সভার সিদ্ধান্ত অনুযায়ী পরিচালিত হইবে।

উদ্দেশ্য—

১। দামোদর নদের উপভূমিসমূহের কৃষির উন্নতির জন্য সেচ-ব্যবস্থার পরিকল্পনা প্রণয়ন ও তাহা কার্য্যে পরিণত করা।

২। শিল্প ও সাধারণের পারিবারিক ব্যবহারের জন্য দামোদর নদ ও তাহার উপনদীগুলি হইতে জল সরবরাহের জন্য পরিকল্পনা প্রণয়ন ও তাহা কার্য্যে পরিণত করা।

৩। হাইড্রো-ইলেকট্রীক ও থার্ম্মাল প্রথায় বৈদ্যুতিক শক্তি উৎপাদন ও সরবরাহের জন্য পরিকল্পনা প্রণয়ন ও তাহা কার্য্যে পরিণত করা।

৪। দামোদর নদ ও তাহার উপনদীগুলিতে বন্যা নিরোধের ব্যবস্থা করা।

৫। দামোদর নদ, তাহার উপনদীগুলি, সংশ্লিষ্ট জলাশয় ও খালগুলিকে নৌ-চলাচলের উপযোগী করা এবং কলিকাতা বন্দর অভিমুখী নৌ-বাহী জলপথগুলির এবং হুগলী নদীর জল প্রবাহের উন্নতি সাধন করা।

৬। বন সম্পদের উন্নতি, কৃষি জমির বন্যাজনিত ক্ষয় নিয়ন্ত্রণ এবং দামোদর নদের উপভূমিসমূহে অধিকতর লাভজনক কৃষি ব্যবস্থা করা।

৭। দামোদর নদের উপত্যকাসমূহে শিল্পের প্রসার এবং সামাজিক পরিবেশের ও জনস্বাস্থ্যের উন্নতিবিধান করা।

দামোদর বন্যার ধ্বংসলীলা বহুকাল ধরিয়াই বঙ্গীয় সরকারের দৃষ্টি আকর্ষণ করিয়াছে। পূর্ব্বেকার বহু বন্যাপ্লাবনের পর গত ১৯৪৩ সালের প্রবল বন্যা যাহাতে শস্যহানি, শস্যক্ষেত্রের ধ্বংস সাধন, রাস্তাঘাট ও রেলরোডের যোগাযোগ সম্পূর্ণ নষ্ট হওয়ায় দামোদর বন্যা নিয়ন্ত্রণ করা অবশ্য কর্ত্তব্য হইয়া দাঁড়ায়। তজ্জন্য দামোদর বন্যা অনুসন্ধান কমিটি গঠিত হয়। ভারত গভর্ণমেণ্ট ও বিশেষজ্ঞদের লইয়া একটি কমিটি নিয়োগ করেন। বারবার বন্যার সর্বনাশা তাণ্ডব বন্ধ করিবার জন্য দীর্ঘকালস্থায়ী কোন একটি পরিকল্পনা গ্রহণ করা বিধেয় ভাবিয়া উক্ত কমিটি dam বা জলসংরক্ষণী বাঁধ নির্ম্মাণ করা প্রয়োজন বিবেচনা করেন। কিন্তু কেবলমাত্র বন্যা নিয়ন্ত্রণ করিলে তাহা বহুব্যয়সাধ্য ও সম্পূর্ণ আয়বিহীন হইবে বলিয়া তাহারা এই নির্দ্দেশ দেন যে বহু উদ্দেশ্যমূলক উন্নয়ন-ব্যবস্থা—যেমন সারা বর্ষব্যাপী জলসেচ, hydro-electric শক্তি উৎপন্ন করা, নৌ-চলাচল, কলকারখানা ও শিল্পের প্রসার প্রভৃতি লক্ষ্য রাখিয়া পরিকল্পনাটি গৃহীত হউক।

প্রাথমিক মাপজোক ও অনুসন্ধানের কার্য্য আরম্ভ করা হয় এবং তাহাতে যে সমস্ত তথ্য সংগৃহীত হয় তাহার উপর ভিত্তি করিয়া Mr. Voorduin একটি একত্রীকৃত দামোদর উন্নয়ন পরিকল্পনা পেশ করেন। এই পরিকল্পনা ভারত সরকার ও বঙ্গ ও বিহার প্রাদেশিক সরকার কর্তৃক কয়েকটি অধিবেশনে আলোচিত হয়। এই শেষ আলোচনা ২৬।৪।৪৭ তারিখে হইয়াছিল। এই পরিকল্পনাতে ৮টি dam ৫৫ কোটী টাকা আনুমানিক ব্যয়ে তৈয়ারী করিবার প্রস্তাব করা হইয়াছে এবং এই সম্পর্কে সমস্ত কাজগুলি সম্পন্ন করিতে আন্দাজ ১৫।২০ বৎসর লাগিতে পারে। বর্ত্তমানে যাহাতে সময় যতদূর সম্ভব কম এমন কি ৫।৬ বৎসর হয় তজ্জন্য বিশেষ চেষ্টা চলিতেছে। ৩টি dam বরাকর নদীর উপর হইবে এবং ৫টি দামোদর ও তাহার শাখা উপশাখা বা উপনদীর উপর হইবে। এই পরিকল্পনা দ্বারা বাংলাদেশে দামোদর বন্যা সম্পূর্ণরূপে নিয়ন্ত্রিত হইবে। প্রায় ৯ লক্ষ ৬৭ হাজার একর জমিতে জলসেচের ব্যবস্থা হইবে এবং ৩ লক্ষ কিলোওয়াট বৈদ্যুতিক শক্তি উৎপন্ন হইবে। প্রায় ৩ লক্ষ টন অধিক খাদ্যদ্রব্য উৎপন্ন হইবে। এই বৈদ্যুতিক শক্তির উৎপন্নের দরুণ কয়লা খরচ অনেক বাঁচিয়া যাইবে। ভারতীয় Coalfield Committeeর মতে দামোদর হইতে বৈদ্যুতিক শক্তির উৎপাদনের জন্য কয়লা ব্যবসায়ীদের প্রভূত সুবিধার সৃষ্টি হইবে।

দামোদর উপত্যকা অধিবাসীদের পক্ষে এই পরিকল্পনা প্রভূত কল্যাণকর হইবে। বর্দ্ধমান, হুগলী, হাওড়া, মেদিনীপুর, বাঁকুড়া প্রভৃতি জেলার চাষের জমির পরিমাণ কমিয়া আসিতেছিল। এককালে এই অঞ্চলের অধিকাংশ জমি উর্বর ছিল। কিন্তু দামোদরের তট ভূমিতে বৃক্ষ ইত্যাদি নষ্ট করার জন্য এবং অন্যান্য কারণে এই সকল জমির উর্বরাশক্তি হ্রাস হইয়াছে। বর্ষাকালে বন্যার দরুণ বহুল পরিমাণে ক্ষতি হইয়াছে। এই সমস্ত অমঙ্গল দূরীকরণের জন্য এবং পূর্ব্বেই বলা হইয়াছে যে সেচ, বৈদ্যুতিক শক্তি, শিল্প বাণিজ্যের প্রসার সাধন ইত্যাদি উদ্দেশ্যে একটি নানামুখী পরিকল্পনা গ্রহণ করা অত্যাবশ্যকীয় হইয়া পড়িয়াছে।

এই পরিকল্পনার কাজকর্ম্ম নিয়ন্ত্রণ করিবার জন্য একটি করপোরেশন গঠিত হইবে। এই করপোরেশনের ৩ জন সভ্য থাকিবেন এবং তাঁহাদের মধ্যে একজন সভাপতিত্ব করিবেন। ভারত সরকার পশ্চিমবঙ্গ ও বিহার সরকারের সহিত পরামর্শ করিয়া এই ৩ জন সভ্য নির্ব্বাচিত করিবেন। এই কর্পোরেশনের কোন সভ্যই কোন ব্যবস্থাপক সভার সভ্য থাকিতে পারিবেন না। সেক্রেটারী ও কোষাধ্যক্ষ ভারত সরকারই নিযুক্ত করিবেন।

গত ৬।১।৪৭ তারিখে ভারত, বাংলা ও বিহার সরকারের যুক্ত বৈঠকে ব্যয়নির্ব্বাহ সম্বন্ধে একটি ব্যবস্থা গৃহীত হয়। বৈদ্যুতিক শক্তি উৎপাদনের মোট ব্যয় ২৮ কোটী টাকার মধ্যে এই তিন সরকার সমভাবে অংশ গ্রহণ করিবেন। সেচ সম্পর্কীয় ১৩ কোটী টাকা মোট ব্যয়ের মধ্যে বিহার সরকার ১·৩ কোটী টাকা বহন করিবেন এবং বাকী পশ্চিমবঙ্গ সরকারকে বহন করিতে হইবে। কারণ সেচের সুবিধা এই প্রদেশেই হইবে। বন্যা নিয়ন্ত্রণ সম্পর্কে মোট ব্যয় ১৪ কোটী টাকার মধ্যে ভারত সরকার ৭ কোটী টাকা বহন করিবেন এবং বাকী টাকা এই প্রদেশকেই বহন করিতে হইবে। এই সম্পর্কে ইহা বিশেষ উল্লেখযোগ্য এই যে ব্যয়ের পরিমাণ যদি ১৪ কোটী টাকার অধিক হয় তাহা হইলে অতিরিক্ত ব্যয়ের

সমস্তই এই প্রদেশকে বহন করিতে হইবে। বন্যা নিয়ন্ত্রণ হইতে কোন আয় হইবে না, তবে পরোক্ষভাবে এই প্রদেশের বিশেষ সুবিধা হইবে। কারণ বন্যায় ধ্বংসজনিত বাৎসরিক যে বহুক্ষতি হইয়া থাকে তাহা নিবারিত হইবে। জনসাধারণের যে সর্বনাশ প্রতি বৎসর ঘটিয়া থাকে তাহার অবসান হইবে। পরিকল্পনাটি সম্পন্ন হইলে মোটের উপর ইহা বিশেষ লাভজনক হইবে এবং লাভের অংশ ভারত সরকার, বিহার সরকার এবং পশ্চিমবঙ্গ সরকারের মধ্যে যে যে পরিমাণে ব্যয়ভার গ্রহণ করিবেন লাভও সেই সেই পরিমাণে বিভক্ত হইবে। প্রাথমিক অবস্থায় যদি লোকসান ঘটে তাহা হইলে তাহার অংশও ঐভাবে বিভক্ত হইবে। কিন্তু পূর্বেই বলা হইয়াছে যে বন্যা নিয়ন্ত্রণ সম্পর্কে এই ব্যবস্থা চলিবে না। বিশেষজ্ঞদের মতে এই পরিকল্পনা সম্পূর্ণ হইলে তাহা হইতে বাংলার বাৎসরিক মোট ২৫,৮৫,০০০্ টাকা আয় হইবে।

অনেকে বলেন—এটা শুধু বাংলার জন্য হইতেছে। অনেক জায়গা থেকে আমরা শুনিতে পাই যে এর দ্বারা অন্য কোন প্রদেশের বিশেষ কোন উপকার হইবে না। কিন্তু দামোদর উপত্যকা পরিকল্পনা হইতে যে উপকার আশা করা যায়, তাহাতে বিহারের—

১। খুব বেশী Hydro-Electric এবং Thermal শক্তি পাওয়ার সুবিধা।

২। সস্তায় পাওয়া শক্তির সাহায্যে খনি ও শিল্পের উন্নয়ন।

৩। শিল্পের উন্নয়নজনিত সাধারণ আর্থিক অবস্থার উন্নতি ও বেকার-সমস্যার সমাধান।

৪। বিহারের দৈনন্দিন জীবনযাত্রার উন্নতি হইবে।

৫। মজুর ও যন্ত্র-শিল্পের উন্নতি ও শিক্ষার সুযোগ।

৬। চাকুরীর বেশী সুযোগ।

৭। স্থানীয় ও সাধারণ ব্যবসা-বাণিজ্যের প্রসার।

৮। উচ্চশ্রেণীর কয়লা মজুত করা। কারণ সমপরিমাণ বৈদ্যুতিক শক্তি উৎপাদন করিতে খুব বেশী কয়লার প্রয়োজন।

৯। জমির ভাঙ্গন নিবারিত হইবে। এই অঞ্চলটিতে খুব বেশী জমি ভাঙ্গিয়া পড়ে।

১০। জমির পুনঃসংস্থাপন ও সংরক্ষণ।

১১। বৃক্ষাদি রোপণ—কাষ্ঠ বৃক্ষাদি এবং কৃষির বৃদ্ধি পাইবে।

১২। সারা বর্ষব্যাপী সেচের ব্যবস্থার অনেকখানি সুবিধা হইবে।

১৩। পানীয় এবং শিল্পের উপযোগী জল সরবরাহ হইবে।

১৪। বায়ু এবং জমির বাষ্প সংরক্ষণ।

১৫। মৎস্যের সরবরাহের সুযোগ হইবে।

১৬। আমোদ প্রমোদের সুযোগ হইবে।

১৭। এই পরিকল্পনা হইতে নানারকম শিক্ষার সুযোগ হইবে।

১৮। উৎখাতীত লোকের পুনর্বসতির ফলে আদর্শ গ্রামের উৎপত্তি। এই গ্রামগুলিই আদর্শ গ্রাম হইবে।

১৯। বিহারের রাজস্ব বৃদ্ধি পাইবে।

দ্বিতীয়তঃ বাংলার—

১। বন্যানিরোধ এবং তজ্জনিত ক্ষতির প্রতিরোধ হইবে।

২। বৃহত্তর শিল্পের ব্যবহার্য বৈদ্যুতিক শক্তি যথেষ্ট পাওয়া যাইবে এবং সেজন্য শিল্পের উন্নতি খুবই আশা করা যায়।

৩। সারাবর্ষব্যাপী সেচের ব্যবস্থা হইলে অধিকতর শস্য উৎপাদন ও উন্নতি হইবে।

৪। চাকরীর সম্ভাবনা বাড়িয়া যাইবে এবং তজ্জন্য আর্থিক উন্নতি দেখা যাইবে ও দৈনন্দিন জীবনযাত্রার উন্নতিও তৎসঙ্গে হইবে।

৫। রাস্তা বা রেলে যাতায়াতের নিরাপত্তা বাড়িবে।

৬। এই পরিকল্পনা হইতে নানারকম শিক্ষার সুযোগ পাওয়া যাইবে।

৭। রাজস্ব বৃদ্ধি পাইবে।

৮। সেচ ও পয়ঃপ্রণালীর উন্নতির সাথে সাথে জীবনযাত্রার উন্নতি হইবে।

ভারতবর্ষ বা হিন্দুস্থান ইউনিয়নের—

১। ব্যবসা বাণিজ্যের প্রসার হইবে।

২। অধিবাসীদের সাধারণ উন্নতি হইবে।

৩। যাতায়াতের সুবিধা অনেক বাড়িবে।

৪। অধিকতর শস্য উৎপন্ন হইবে।

৫। সমস্ত দেশের আর্থিক অবস্থার উন্নতি হইবে।

৬। রাজস্ব বৃদ্ধি পাইবে।

৭। লোকের আয়বৃদ্ধি এবং তজ্জনিত দৈনন্দিন জীবনযাত্রার উন্নতি দেখা যাইবে।

আমি আশা করি—এই দামোদর পরিকল্পনা যেটা আজ অনেক দিন ধরিয়া আমাদের দেশে চলিয়া আসিতেছে সেটা আপনারা সকলে এই পরিষদ গৃহ হইতে অন্তরের সহিত গ্রহণ করবেন। এর জন্য আমার আর বেশী কথা বলার দরকার নাই।

The motion of the Hon'ble Shri Bhupati Majumdar that this Assembly is of opinion that in order to enable the constitution of a Corporation, to be called the Damodar Valley Corporation, for the following purposes, namely—

(1) the provision and operation of schemes for irrigation for agricultural purposes in the basin of the Damodar River;

(2) the provision and operation of schemes for water supply from the Damodar River and its tributaries for industrial and domestic purposes;

(3) the provision and operation of schemes for the generation by hydro-electric and thermal means and the transmission and distribution of electric power;

(4) the provision of flood control for the Damodar river and its tributaries;

(5) the facilitation of navigation on the Damodar River, its tributaries, reservoirs and connected canals, and the improvement of flow conditions in the Hooghly and the navigation channels leading to the port of Calcutta;

(6) the promotion of afforestation, the control of soil erosion and the more profitable agricultural utilisation of lands in the Damodar basin;

(7) the promotion of industrial development, and the improvement of social conditions and public health in the basin of the Damodar River,

it is desirable that all matters which it is necessary to regulate by legislation for the purpose of enabling the said Corporation to attain the said objects, including the giving to the Corporation of powers to levy such rates, tolls and fees as may be requisite, shall in so far as such matters are matters enumerated in the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935, be regulated by an Act of the Dominion Legislature, was then put and agreed to.

Mr. SPEAKER: As there is no other business before the House today, the House stands adjourned till 3 p.m. on Tuesday, the 25th November, 1947.

Adjournment.

The House was accordingly adjourned at 3-2 p.m. till 3 p.m. on Tuesday, the 25th November, 1947, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 25th November, 1947, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 8 Hon'ble Ministers and 60 Members.

Arrear Questions of the old Assembly.

Mr. SUKUMAR DUTTA: মাননীয় স্পীকার মহোদয়! আজ কাজ আরম্ভ করবার আগে আপনি questions সম্বন্ধে কি নীতি অনুসরণ করবেন সে সম্বন্ধে যদি আমরা জানতে পারি ত ভাল হয়।

Mr. SPEAKER: ভাল হবে যদি কালকে আপনি আমার Chamberএ বোলে দেন যে কি কি questions আছে।

I think you should speak to me in the Chamber.

Mr. SUKUMAR DUTTA: আপনি Houseএই বলবেন। If I speak to you in the House, have you any objection?

Mr. SPEAKER: Then I will not be able to answer your question in the House and I think I would request you to ask the question tomorrow / that I may be in a better position to give my decision.

Adjournment Motion.

Mr. JYOTI BASU: মাননীয় স্পীকার মহোদয়! আমি এক মূলতুবী প্রস্তাবের notice দিয়েছিলাম এবং আপনি consent দিয়াছেন। এখন তাহলে আমরা সে সম্বন্ধে আলোচনা করব।

Mr. SPEAKER: I have received the adjournment motion and I have accepted it. May I know if there is any objection to it?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I object to the adjournment motion being moved and I have already intimated to you in this connection that I propose to make a statement on the subject.

Mr. SPEAKER: I think there is no objection to the statement being made.

Mr. BIMAL CHANDRA SINHA: May I point out to you, Sir, that it is laid down in the rules that the statement of facts contained in the adjournment motion should be read out? Before you admit the adjournment motion, the statement will have to be read out.

Mr. SPEAKER: This is the short statement. On the 21st of November, 1947, several thousand kisans drawn from different districts of West Bengal proceeded towards the West Bengal Legislative Assembly to greet the new Legislature and to petition it for the redress of some of their long-standing grievances. The procession was absolutely peaceful and there was no ban on such a procession being taken out on that day. The Armed Police, however, drew a cordon in Esplanade and prevented the procession to go further. In the meanwhile another procession of students organised in connection with the celebration of the "Rameswar Day" came alongside the Kisan procession. The police resorted to the use of lathis and tear gas against the processionists and the members of the public causing a good number of casualties.

Mr. JYOTI BASU: মাননীয় স্পীকার মহোদয়! প্রধান-মন্ত্রী মহাশয় যে বলেছেন যে তিনি একটা statement দেবেন সেই এক তরফা statement শোন্‌বার জন্য আমরা এখানে আসি নি। আমাদের গণতান্ত্রিক অধিকার আছে এই সভার কাজ মূলতুবী রেখে আমাদের যা বক্তব্য সেটা এখানে পেশ করার, এবং সমস্ত শুনে তার পরে এ সম্বন্ধে বিচার করার। আমি বুঝতে পারছি না যে কেমন কোরে প্রধান-মন্ত্রী মহাশয় প্রথমেই এই statement আমাদের কাছে দিতে পারেন। আমরা এখানে শুধু school-boys এর মত lecture শোন্‌বার জন্য আসিনি। সেইজন্য সব-চেয়ে ভাল হ'ত যদি এই রকম যে দুর্ঘটনা ঘটে গেল এই কলিকাতার বুকে গত ২১শে তারিখে যে দিন প্রথম স্বাধীন বাংলার এসেম্‌ব্লি বসেছিল সে সম্বন্ধে যদি আমরা কিছু আলোচনা কোরে নিতে পারতাম। তারপরে তিনি সদস্যদের কাছে একটা statement দিতে পারেন। তা না হ'লে একে ত এখানে opposition বোলে কিছু নেই—

Sri A. K. GHOSE: On a point of order, Sir Mr. Basu cannot be permitted to make a statement at this stage when the Leader of the House wants to make a statement and when the Speaker has given him that permission.

Mr. SPEAKER: On this point what I wish to say is this. So far as the adjournment motion is concerned, after the objection by the Leader of the House I shall have to take the leave of the House as to whether the House gives its consent to the motion being moved. But while objecting, if the Leader of the House wants to make a statement I think I should permit him to do so. And then the necessary course will be taken to obtain the leave of the House and every opportunity will be given to the mover of the adjournment motion to make a statement.

Mr. NIHARENDU DUTT-MAZUMDAR: May I point out to you, Sir, that on the question of taking the leave of the House there can be no discussion whatsoever? It has simply got to be put to the House, and after the question of leave has been decided upon by the House, then the Leader may proceed to make a statement, either in course of a discussion or even without a discussion.

Mr. JYOTI BASU: I do not see how without taking the consent of the House you can allow the Prime Minister to make a statement. That is not in accordance with the rules and I am afraid, Mr. Speaker, that cannot be done.

Mr. SPEAKER: I know there have been precedents on the subject and that statements have been allowed to be made in the past.

Mr. JYOTI BASU: Not whilst an adjournment motion was standing in the name of somebody and had not received the leave of the House.

Mr. SPEAKER: While objecting, statements have been allowed to be made and that discretion lies with the Speaker.

Mr. JYOTI BASU: There is hardly any such precedent as far as I am aware.

Mr. SPEAKER: You can refer to Vol. LXII, No. 1, pages 377-78.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I like to acquaint the House with the facts relating to the unhappy incidents that took place on Friday, the 21st November, the day the West Bengal Legislative Assembly met for the first time.

My communist friends wanted to bring a Kisan rally in the Assembly compound, it was said, for greeting the Ministry and making their demands before us. I could not accede to this request and requested Sri Krishna Benode Roy, President, Kisan Sabha, not to bring the Kisans near the Assembly, but if they assembled in the Wellington Square or Maidan, we were prepared to address them. If we allowed those who wanted to greet

the Ministry to come into the Assembly compound, we could not very well refuse others who might want to express their disapproval of our policy. So, we did not think it proper to allow any group of demonstrators to come. But Sri Krishna Benode Roy did not accept my advice and wanted to bring the Kisan rally to the Assembly compound. Therefore, I had to issue orders to the Police to stop the Kisans near the Curzon Gardens. They were accordingly stopped by the Police whereupon the Kisans squatted on the road, causing inconvenience to traffic, which, I am sure, all will agree, was wrong of them. Sometime after, at about 3-20 p.m., a students' procession came that way and forcibly broke the Police cordon in some place. The Police had to use tear gas to disperse the students. It is said that the students' intention was to go to Dalhousie Square and hold a meeting in memory of late lamented Sri Rameswar Banerjee and Abdus Salam. There was no prohibition about leading any procession to or holding a meeting at Dalhousie Square and the students could have easily followed a different route without going near the place where the Kisans squatted. When again they found the Police cordon there, they ought not to have taken the law into their own hands even if they felt that they were wrongly stopped. Their representatives should have seen me instead which some of them did later. I am really sorry that some of the students preferred to resort to force first which necessitated the use of tear gas by Police. It is always distasteful for any popular Government to use force and we all regret that the hands of the Police were forced on this occasion. The policy of our Government is to use force only when we must. Every popular Government must follow that policy. The people also have got their duty by their own Government, and must help it in maintaining peace and discipline even under provocation. Government must prevent disorder at all costs. I do not say that the Police may not act improperly sometimes, but the remedy for that is to approach the Government which will certainly right any wrong by the Police. But if any one comes to me after taking the law into his own hands, he only makes me ineffective and places me in a very difficult position. In this particular case I have made enquiries from amongst others two honourable members of this House who were present nearby and one of whom himself suffered from the effects of tear gas, and I am satisfied that the Police had no other alternative but to use tear gas if they were to carry out the orders that had been given to them to prevent any procession from coming to the Assembly.

In spite of my advice regarding the Kisan rally having been disregarded, at the request of Sri Snehangsu Acharyya and Sri Jyoti Basu I agreed to address the Kisans near the Monument at 3-30 p.m. and requested Sri Jyoti Basu to ask them to assemble there. From the Assembly Chamber I came straight to the Secretariat at 3-10 p.m. and left for the Maidan at 3-20 p.m. When I went there along with Sri Kalipada Mookherjee, Revenue Minister, the Kisans were not there. I was told by one youngman that firing had taken place, but another youngman corrected him and said tear gas had been used. I returned to the Secretariat immediately. I found about 30 students assembled on the groundfloor of the Secretariat near the entrance. They wanted me to hear them. I took four of them into my room to hear what they had to say. They told me that tear gas had been used for no fault of theirs. I asked them to record their complaints in writing and promised to make enquiries and do the needful. I immediately 'phoned the Commissioner of Police in their presence and asked him to allow the student processionists to go to Dalhousie Square by any route they liked, as the Assembly session was already over. I further enquired of him whether tear gas had been used, and, if so, why. He told me in reply that tear gas had to be used and that he was sending a full report immediately. Shortly after that Sri Jyoti Basu came to me again and pressed me to come and address the Kisan rally. As I had a previous engagement at Sodepur, I could not go there but gave a short message in writing for the Kisans and requested Sri Kalipada Mookherjee, Revenue Minister, to go and address

them on behalf of the Ministry. While at Sodepur, a telephone message purporting to come from the Assembly Chamber was received from one of the demonstrators to the effect that firing had taken place. This report was untrue and mischievous. On return from Sodepur I found Sri Kalipada Mookherjee waiting for me. I was deeply pained to learn from him that when he went to address the rally he was not listened to. Most filthy and grossly abusive language was used even by some of the educated young men. In fact, everything short of an assault upon him took place. I was further told by him that an honourable member of this Assembly was even slapped on the head. I was also told that students wanted to forcibly enter the Assembly compound and had broken open the gate and assaulted the durwan for which tear gas had to be used. Perhaps we can view lightly the boyish exuberence of the young students, but when it is found that behind the whole affair, there were some political workers who should have known better, I am sure the House cannot but take a serious view of the thing. This House will not expect the Government to tolerate indiscipline and disorder in any shape or form from whatever quarter it might come. I have received reports that some groups of political workers are even ambitious of seizing power by taking resort to violence We shall use all our strength to meet such efforts, if any.

Some newspapers have reported that lathi charge was made on the demonstrators including ladies. This allegation is wholly untrue, and was not made before me by any one on that day

May I, Sir, through you, appeal to this House and the country to draw the obvious moral from last Friday's unfortunate incidents? Under the altered conditions of today, old mental habits and thoughts must be abandoned. The State is ours and it is for us to build it afresh on new foundations. We have won our independence through a long disciplined struggle; we have to preserve, cherish and develop our hard-won liberty through even stricter discipline. Let our youngmen and political workers of all shades remember that every act of indiscipline, every flouting of the authority of the nation's own Government, every violent act, however small and insignificant it may appear at first sight, is a blow on our new-born freedom and the enemies of our country and of our freedom and prosperity relish and welcome the same and will not hesitate to take the fullest advantage of the slightest faltering in our ranks. Development and nation-building projects can be undertaken and flourish only under peaceful conditions with perfect discipline, co-operation, public spirit and patriotism from all citizens. May not this Government appeal with all the emphasis it can command to our countrymen specially the students who made worthy contribution in the freedom movement, to bring about and maintain such conditions so that the sacred and onerous duty before us to make this Province once again one of the premier provinces of India may be taken up in right earnest and in one long and mighty effort we may achieve the lasting glory of our motherland. (Applause.)

Mr. SPEAKER: Mr. Basu, do you want to move your adjournment motion?

Mr. JYOTI BASU: Oh yes, I certainly do want specially after that statement which has been made.

Mr. SPEAKER: Then I shall have to take the leave of the House.

(Leave was then taken and as the requisite number of members did not rise up, the motion fell through.)

GOVERNMENT BILLS.

The Bengal Finance (West Bengal Extending) Bill, 1947.

The Hon'ble Sri ANNADA PROSAD CHOUDHURI: Sir, I beg to introduce the Bengal Finance (West Bengal Extending) Bill, 1947.

(Secretary then read the short title of the Bill.)

The Hon'ble Sri ANNADA PROSAD CHOUDHURI: I beg to move that the Bengal Finance (West Bengal Extending) Bill, 1947, be taken into consideration.

The object of this Bill is to continue in force up to the 31st March, 1948, the current rates of the Totalisator Tax and the Betting Tax levied under the Bengal Amusement Tax Act, 1922. On the 21st November I laid before the House a copy of the Bengal Finance (West Bengal Extending) Ordinance, 1947, which had the effect of continuing in force 15 per cent. rate of tax up to 31st March, 1948. This Ordinance will cease to operate at the end of six weeks from the date of the first meeting of the Assembly. It is, therefore, necessary to enact the present Bill before the expiry of the Ordinance in order that the current rate of tax may continue to be levied.

Sir, with these words I commend my motion for acceptance of the House.

The motion was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Preamble.

The question that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sri ANNADA PROSAD CHOUDHURI: Sir, I beg to move that the Bengal Finance (West Bengal Extending) Bill, 1947, as settled in the Assembly, be passed.

The motion was then put and agreed to.

West Bengal Criminal Law Amendment Bill, 1947.

The Hon'ble Sri KALIPADA MOOKERJEE: Sir, I beg to introduce the West Bengal Criminal Law Amendment Bill, 1947.

মাননীয় Speaker মহাশয়, আমি West Bengal Criminal Law Amendment Bill, 1947, পরিষদ সম্মুখে উপস্থিত-করছি।

(Secretary then read the short title of the Bill.)

The Hon'ble Sri KALIPADA MOOKERJEE: Sir, the object of this, Bill is to make special provisions for speedy trial by a Special Tribunal and more effective and adequate punishment of certain offences mainly involving concealment of money and other properties procured by illegal and deceitful means. The ordinary procedure of the law if followed would involve delay and it is necessary to provide an accelerated procedure. The West Bengal Criminal Law Amendment (No. II) Ordinance, 1947, was promulgated by the Governor under sub-section (1) of section 88 of the Government of India Act, 1935, with this object in view. The Ordinance will by virtue of sub-section (2) of that section cease to operate after the expiration of six weeks from the commencement of the next session of the West Bengal Legislative Assembly.

The Provincial Government consider that it is necessary that the provisions of the said Ordinance should be enacted and hence this Bill has been drawn up with this end in view embodying the provisions of the Ordinance with slight modifications. A list of offences in respect of which such special procedure is to be followed has been specified in the Schedule to the Bill.

Mr. SPEAKER: Mr. Mookerjee, you move the motion first mentioning the names of members of the Select Committee.

The Hon'ble Sri KALIPADA MOOKERJEE: Yes, Sir. I beg to move that the West Bengal Criminal Law Amendment Bill, 1947, be referred to a Select Committee consisting of—

(1) Mr. Bimal Chandra Sinha,
(2) Mr. Nishapati Majhi,
(3) Mr. Banku Behari Mandal,
(4) Mr Charu Chandra Mahanti,
(5) Mr. Annada Prasad Mandal,
(6) Mr. Shyamapada Bhattacharji,
(7) Khan Bahadur Mudassir Hossain,
(8) Mr. Abdul Wahid Sarkar, and
(9) the mover,

with instructions to submit their report by the 2nd December, 1947, and that the quorum of the Select Committee be fixed at five.

আমি এই বিলটি Select Committeeর কাছে উপস্থিত করছি।

মাননীয় Speaker মহোদয়, আপনারা বোধ হয় অবগত আছেন যে বিচার বিভাগের মাননীয় মন্ত্রী শ্রীযুক্ত মোহিনী মোহন বর্ম্মণ মহাশয় অসুস্থ, স্বীয় বাসস্থানে শয্যাগত থাকায় তিনি আজ এই আইন সভায় অনুপস্থিত। সেইজন্য তাঁহার কাজ আমার উপর ন্যস্ত থাকায় আমি আজ এই আইন সভায় পশ্চিমবঙ্গ ফৌজদারী সংশোধিত বিল আপনাদের সামনে উপস্থিত করছি। আপনারা বোধ হয় অবগত আছেন যে আইন সভার যখন অধিবেশন ছিল না সেই সময় মহামান্য লাটসাহেব বাহাদুর পশ্চিমবঙ্গ ফৌজদারী সংশোধন আইন জারী করতে বাধ্য হয়েছিলেন। উক্ত Ordinanceএর উদ্দেশ্য ছিল উভয়বিধ; যথা, কতকগুলি বে-আইনী ও প্রবঞ্চনামূলক উপায়ে অর্জ্জিত অর্থ ও সম্পত্তি আত্মসাৎ ও অপসারণ সম্পর্কিত অপরাধের বিচার যাহাতে ত্বরান্বিত হয় এবং যাহাতে অপরাধীদিগের সমুচিত দণ্ড-বিধান হয় তার ব্যবস্থা করা।

এই বিলটি Select Committeeর কাছে পাঠানো হচ্ছে। তাদের নাম আমি পড়ছি—

শ্রীযুক্ত বিমল চন্দ্র সিংহ,
শ্রীযুক্ত নিশাপতি মাঝি,
শ্রীবঙ্কু বিহারী মণ্ডল,
শ্রীচারু চন্দ্র মহান্তি,
শ্রীঅন্নদা প্রসাদ মণ্ডল,
শ্রীশ্যামাপদ ভট্টাচার্য্য,
খাঁন বাহাদুর মুদাস্সির হোসেন,
মৌলভি আবদুল ওয়াহেদ সরকার। এবং
শ্রীকালীপদ মুখার্জী (প্রস্তাবক)

এই Select Committeeর কাছে যে বিলটি উপস্থাপিত করা হচ্ছে দোসরা ডিসেম্বারের মধ্যে তাঁরা বিলটিকে বিচার করে পাঠিয়ে দেবেন। পাঁচজনে quorum. মাননীয় Speaker মহোদয়, আপনারা সকলেই অবগত আছেন —

Mr. JYOTI BASU : Mr. Speaker, Sir, on a point of order. The Hon'ble Minister is addressing us instead of you.

The Hon'ble Sri KALIPADA MOOKERJEE : গৌরবে বহুবচন আছে—জানেন উপ স্পীকার আমাদের সকলের মাননীয়। কাজেই তাঁকে যদি গৌরবে বহুবচন করি তাহ'লে সেটা বাহুল্য উক্তি হবে না (হাস্য)। আপনারা বোধ হয় অবগত আছেন যে বিচার বিভাগের মাননীয় মন্ত্রী শ্রীযুক্ত মোহিনী মোহন বর্ম্মণ মহাশয় অসুস্থ থাকায় তাঁর স্থলে আমি আপনাদের সামনে এই বিলটি উপস্থাপিত করছি।

আইন সভার যখন অধিবেশন চ'লছিল না সেই সময় মহামান্য লাটসাহেব বাহাদুর পশ্চিমবঙ্গ ফৌজদারী সংশোধিত অর্ডিন্যান্সটী জারী করতে বাধ্য হয়েছিলেন। উক্ত অর্ডিন্যান্সের উদ্দেশ্য ছিল উভয়বিধ, যথা, কতকগুলি বে-আইনী ও প্রবঞ্চনামূলক উপায়ে অর্জ্জিত অর্থ ও সম্পত্তি আত্মসাৎ ও অপসারণ সম্পর্কিত অপরাধের বিচার যাহাতে ত্বরান্বিত হয় এবং যাহাতে অপরাধীদিগের সমুচিত দণ্ড-বিধান হয় তার ব্যবস্থা করা। Government of India Act এর ৮৮ (২) ধারা অনুসারে এই আইন সভার পুনরায় অধিবেশন হইতে ছয় সপ্তাহের মধ্যে উক্ত অর্ডিন্যান্সটী আর কার্য্যকরী থাকবে না। তজ্জন্য এই অর্ডিন্যান্সটী আইনে পরিণত করা একান্ত প্রয়োজন। আশা করি এই সভার প্রত্যেক সভ্য এই বিলের পুস্তিকাটী পেয়েছেন। তজ্জন্য আর আদ্যোপান্ত পড়িয়া আপনাদের সময় নষ্ট করবো না। পূর্ব্বেই বলেছি এই আইনের উদ্দেশ্য দুটী। ফৌজদারী কার্য্যবিধি আইন অনুযায়ী বিচার ব্যবস্থাকে কথঞ্চিৎ হ্রাস করা, যাহাতে বিচার ত্বরান্বিত হয় অথচ ন্যায় বিচারের কোন অবমাননা না হয়। এই বিলটি আইনে পরিণত হ'লে Special Tribunal সরাসরি এই বিলের উদ্দেশ্য অনুযায়ী অপরাধের বিচারাধিকার লইবেন। তাহা হইলে দায়রায় সোপর্দ্দ করবার পূর্ব্বে আইনে যে বহু সময়সাপেক্ষ বিচারের আবশ্যক আছে তাহা আর করা আবশ্যক হবে না। ইহাতে অনেক সময় ও অর্থ রক্ষা হবে। দ্বিতীয়তঃ এই বিশেষ বিচার পদ্ধতিতে জুরী প্রথা রহিবে না। তৃতীয়তঃ শাস্তি সম্বন্ধে কতকগুলি বিশেষ বিধান উল্লিখিত হয়েছে। এই বিধানে ভারতীয় দণ্ডবিধি আইনের ১৬১, ১৬৫, ৪০৬, ৪০৮, ৪০৯, ৪১১ ও ৪১৭ ধারায় অপরাধের বিচারের বিশেষ ব্যবস্থা করা হয়েছে।

এক্ষণে আমি নিবেদন করছি এই বিলটী নিম্নলিখিত সভ্যদের কাছে বিবেচনার্থে পাঠান হোক্। পূর্ব্বেই তাঁদের নাম দিয়েছি এবং তাঁরা ২রা ডিসেম্বরের মধ্যে তাঁদের রিপোর্ট পেশ করবেন। কোরাম পাঁচজন।

Mr. SPEAKER: I wish to point out to the members of the House that if a motion has been sent in English it must be moved in English and if it is sent in Bengali it has to be moved in Bengali. I take it that so far as today's proceedings are concerned, Sri Kalipada Mookerjee has moved the motion in the language in which it is worded in the Order Paper and he has given a translation of it in Bengali.

The motion of the Hon'ble Sri Kalipada Mookerjee that the West Bengal Criminal Law Amendment Bill, 1947, be referred to a Select Committee, consisting of—

(1) Mr. Bimal Chandra Sinha,
(2) Mr. Nishapati Majhi,
(3) Mr. Banku Behari Mandal,
(4) Mr. Charu Chandra Mahanti,
(5) Mr. Annada Prasad Mandal,
(6) Mr. Shyamapada Bhattacharji,
(7) Khan Bahadur Mudassir Hossain,
(8) Mr. Abdul Wahid Sarkar, and
(9) The Hon'ble Sri Kalipada Mookerjee (the mover),

with instructions to submit their report by the 2nd December, 1947, and that the quorum of the Select Committee be fixed at five, was then put and agreed to.

Mr. SPEAKER: The House stands adjourned......

Mr. JYOTI BASU: Sir, before you adjourn the House, I wish to point out to you that notices have been served on us today that by 11 a.m. tomorrow we have to submit our amendments to the Bills. It is not possible within these few hours to submit amendments unless you extend the time.

Mr. SPEAKER: I quite realise that the time allowed for submitting amendments is very short and Government ought to have seen that the Bills were sent in time and members should have been allowed to submit their amendments in time. But so far as this session is concerned I find that the time to be given must be very short.

The House stands adjourned till 3 p.m. tomorrow.

Adjournment.

The House was then adjourned at 3-35 p.m. till 3 p.m. on Wednesday, the 26th November, 1947, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 26th November, 1947, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 8 Hon'ble Ministers and 60 members.

Oath.

The following gentleman took the oath of allegiance:—

Nawab Musharuff Hosain.

Adjournment motion.

Shri JYOTI BASU: Mr. Speaker, I gave notice of an adjournment motion on the wrongful dismissal of Mr. Jagadishwar Pal, Sub-Inspector, Enforcement Branch, Calcutta Police, from service for seeing and reporting to the Minister for Civil Supplies on a serious case of profiteering and official corruption. But unfortunately consent has been refused. In such an important public matter, I do not see why and how consent can be refused.

Mr. SPEAKER: So far as the question of consent by the Speaker is concerned, the Speaker is not to assign any reason, but in order that there may not be any misunderstanding about the position, I wish to inform the honourable member that so far as this question is concerned, it is a question which affects the day-to-day administration of the province and it is not a matter of urgent public importance. The second ground is that there is no mention in the Statement of Objects and Reasons of the date when the dismissal occurred, but it appears that on the 5th November a representation was made by the member to the Hon'ble Minister of Civil Supplies.

Shri NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir. Unless the matter is allowed to be discussed, how can you make a statement of facts?

Mr. SPEAKER: I am just stating the reasons for my not giving consent. I say that this matter which has been brought before me is not a matter of recent occurrence.

Shri JYOTI BASU: It only came out today in the papers and it is a matter of public importance where corruption is involved in Bengal and the Minister himself wants to fight corruption. He calls a man for evidence and that man is dimissed. I do not know what can be a more important matter of public importance.

Mr. SPEAKER: I cannot allow any further discussion.

Notice of Questions.

Shri SUKUMAR DUTTA: মাননীয় স্পীকার মহোদয়! কালকে যে questions সম্বন্ধে জানতে চেয়েছিলাম তার সম্বন্ধে আজকে কি জানতে পারি? Questions যে গুলো করা হবে কতদিনের মধ্যে তাদের উত্তর আশা করা যাবে?

Mr. SPEAKER: It all depends upon the Government as to when they give a reply. As soon as we receive a reply, we shall see that it comes to the House as soon as possible.

Shri SUKUMAR DUTTA: আপনি কি বলতে পারেন কতদিনের মধ্যে question গুলোর উত্তর দিতে পারবেন ?

Mr. SPEAKER: I think it is for the administrative departments of the Government to give us assurance that they will give us replies as early as possible.

Shri NIHARENDU DUTT-MAZUMDAR: On a point of privilege, Sir. The Rules of Procedure of the House lay down that a member is entitled to receive replies to questions after 10 days' notice. There may be administrative difficulties. I appreciate the point, but nevertheless I hope, Sir, you will be pleased to take the matter up with the administrative departments so that in this respect members' privilege may not suffer and members may be enabled to receive answers to questions after having given 10 days' notice and in extraordinary circumstances there might be taken a reasonable margin of time in addition. But there should not be inordinate delay on any account because that would be a reflection on the efficiency of the administrative department itself and we should root out the administrative inefficiency which existed earlier. I, therefore, submit it for your very careful consideration.

Mr. SPEAKER: So far as the reply is concerned, the rule points out that it is for the Government to give the reply as quickly as possible and I do desire that Government should expedite answers to questions so that they may not be stale by the time they are answered.

Shri SUKUMAR DUTTA: আগে যে সমস্ত questions ছিল সেগুলো নিশ্চয় lapsed হয়ে গেছে ?

Mr. SPEAKER: Yes, all the questions, notices of which were sent before the present Assembly, have lapsed because the province is not the province which was before.

Shri SUKUMAR DUTTA: এই session এ যে questions করব যদি এই sessionএর মধ্যে তার উত্তর দেওয়া না হয় সে গুলো পরের session পর্যন্ত carried over হবে ?

Mr. SPEAKER: Yes, questions which cannot be answered in this session will be carried over to the next session.

Shri SUKUMAR DUTTA : Short-notice question সম্বন্ধে কি করবেন ?

Mr. SPEAKER: It all depends upon the merits of the question as to what the question is and whether I shall permit it or not.

Shri SUKUMAR DUTTA : কিষাণ demonstration সম্বন্ধে এবং students' demonstration সম্বন্ধে পুলিশের যে জুলুম হয়েছে সে বিষয়ে আমি short-notice question দিয়েছি।

Mr. SPEAKER: I would request the honourable member to see me in my chamber. I will look into the file.

GOVERNMENT BILLS.

The West Bengal Laws (Amendment and Repeal) Bill, 1947.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to introduce the West Bengal Laws (Amendment and Repeal) Bill, 1947.

(Secretary then read the short title of the Bill.)

Sir, I beg to move that the West Bengal Laws (Amendment and Repeal) Bill, 1947, be taken into consideration.

Mr. SPEAKER: There is no amendment. Therefore, I am putting the motion to vote.

The motion of the Hon'ble Dr. Prafulla Chandra Ghosh that the West Bengal Laws (Amendment and Repeal) Bill, 1947, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 stand part of the Bill was then put and agreed to.

Schedule I.

The question that the first Schedule stand part of the Bill was then put and agreed to.

Schedule II.

The question that the second Schedule stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to move that the West Bengal Laws (Amendment and Repeal) Bill, 1947, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The West Bengal Premises Requisition and Control (Temporary Provisions) Bill, 1947.

The Hon'ble Shri KALIPADA MOOKERJEE: Sir, I beg to introduce the West Bengal Premises Requisition and Control (Temporary Provisions) Bill, 1947.

(Secretary then read the short title of the Bill.)

The Hon'ble Shri KALIPADA MOOKERJEE: Sir, with your permission I beg to move that the West Bengal Premises Requisition and Control (Temporary Provisions) Bill, 1947, be taken into consideration.

Shaik MUHAMMAD RAFIQUE: Mr. Speaker, Sir, I have gone through the Bill and I find that there is no provision made for paying any compensation to such owner of premises on whom a notice is served by the Collector intimating that certain premises will be requisitioned. At least when a notice is served on the owner he is entitled to compensation equivalent to rent from the day of the notice, because he will have to keep the premises vacant till Government decides as to whom allotment will be made. I have not moved any amendment and I leave it to the good office of the Government to make such provision by moving short amendment as would compensate the owner from the day his property is reserved to be utilised by the Government under the provision of the Bill.

Mr. C. C. D. WILKS: Mr. Speaker, Sir, before the close of the House last evening my honourable friend Mr. Jyoti Basu pointed out that it was unfair to members that legislative Bills of such importance were being placed before the House at such short notice——.

Mr. SPEAKER: Order, order. The position is that we are going through a Bill. You should have mentioned this a little earlier.

Mr. C. C. D. WILKS: I am speaking on the Bill.

Mr. SPEAKER: On this Bill?

Mr. C. C. D. WILKS: Yes, Sir.

Mr. SPEAKER: All right, you can speak.

Mr. C. C. D. WILKS: I repeat, Sir, that before the close of the House last evening my honourable friend Mr. Jyoti Basu pointed out that it was very unfair to members that legislative Bills of such importance were being placed before the House at such short notice that it was not practicable for amendments and motions to be filed within the required time. I now rise on a point of privilege to reiterate my honourable friend's protest.

While appreciating the explanation that was placed before the House last evening I must state that this autocratic method savours too much of the old order. In fairness and in justice to the representatives of the minorities in this House I must request you, Sir, to see that ample time is given us in which to study this new legislation. In particular, I draw reference to the West Bengal Premises Requisition and Eviction Ordinance, 1947, and the West Bengal Premises Requisition and Control (Temporary Provisions) Bill, 1947. Last time when this type of legislation was brought before the House it was stated that it was for the expeditious prosecution of the war against His Majesty's enemies—I repeat "expeditious prosecution". I was a victim of this expedition and so I am in a position to speak on this subject. My residence was requisitioned for this presumed purpose and incidentally lay vacant and unoccupied for a period of about six months, after which the powers that be to save their faces augmented the number of chaukidars in order to give the place a semblance of occupation. Government funds were uselessly frittered away, not to say the least about the inconvenience and loss caused to the evicted tenant. Whilst appreciating, on occasions, the need for legislation of this type, I honestly feel that there is no need for this legislation at this time. We are not at war. The Government are in the happy position of commandeering supplies of materials as well as open spaces in the city, and these open and idle spaces could easily be used for housing their servants, without the eviction of poorer members of our community.

Several of the terms used, for instance the phrase "public purpose", are so evasive that they can be abused to suit any circumstance. I feel, Sir, that time should be allowed to members to study these Bills and I must request that a postponement of at least a week be allowed for filing amendments. In my humble opinion, the more expeditious plan would be to

empanel a Select Committee to study and discuss each and all of these Bills before they come before this House, but I must insist that this panel should be representative of all communities. The Anglo-Indian members of this House will be very happy to serve on any panel, and I trust that honourable members of the Government benches will appreciate this offer which is extended in sincerity and not in frustration.

Shri ISWAR CHANDRA MAL: সভাপতি মহাশয় আমি একটা amendment দিয়েছিলাম। কিন্তু সেটা missing. আমার সেটা খুব দরকারী amendment, খুব vital amendment. এটা সম্বন্ধে গভর্ণমেণ্ট কি বিবেচনা করবেন জানতে চাই?

(There was a pause for a few seconds.)

Shri JYOTI BASU: Sir, I do not know what is actually happening in the House. I see a conference is going on.

Mr. SPEAKER: The Hon'ble Minister is now going to speak. I think he will now begin.

The Honb'le Shri KALIPADA MOOKERJEE: মাননীয় Speaker মহোদয়, যে বিলটি আজ পরিষদ্-কক্ষে উপস্থাপিত করা হয়েছে সে বিল বাংলাদেশের জনসাধারণের কল্যাণকল্পেই আনা হয়েছে। আপনারা সকলেই অবগত আছেন যে বঙ্গভঙ্গের অব্যবহিত পরেই বিলটি পরিষদ্-কক্ষে উপস্থাপিত করা হয়েছে। যুদ্ধজনিত পরিস্থিতির সময় ordinance এর প্রভাবে যে বিল আনা হয়েছিল আজ বর্ত্তমান পরিস্থিতিতে যুদ্ধের সেই সঙ্কটময় অবস্থা না থাকলেও তা আবশ্যক। আজ এই বঙ্গভঙ্গের পরে ভারতবর্ষের যে পরিবর্ত্তন সংসাধিত হয়েছে তজ্জন্য, ও বাংলাদেশকে ২টো স্বতন্ত্র প্রদেশে বিভক্ত করবার পর পূর্ব্ব বাংলা থেকে বহু লোক কলকাতার অভিমুখে আসছেন; এবং এখানকার অনেক রাজ কর্ম্মচারী তাঁরাও বাস ভবনের অভাবে আজ রাস্তায় রাস্তায় ঘুরে বেড়াতে বাধ্য হয়েছেন; এবং নানা স্থান থেকে এই অভিযোগ আমরা পেয়েছি যে অর্থগৃধ্নু বাড়ী-ওয়ালার দল তারা অত্যধিক সেলামী এবং অন্যান্যভাবে অসদুপায়ে অর্থোপার্জ্জনের পন্থা উদ্ভাবন করছেন। নানা কৌশলে ভাড়াটিয়াদের তাড়াবার তাঁরা ব্যবস্থা করছেন। কাজেই এই অবস্থায় যদি জনসাধারণের জাতীয় সরকার প্রতিষ্ঠিত হয়ে থাকে, যদি এই জাতীয় সরকারের কর্ত্তব্য হয় যে আপামর জনসাধারণের সুবিধা ও স্বাচ্ছন্দ্য বিধান করা, তাহলে আজকে সকলের সর্ব্ববাদীসম্মতিক্রমে বিনা দ্বিধায়, বিনা সঙ্কোচে এই বিলটিকে আইনে পরিণত করা উচিত।

Mr. Md. KHUDA BUKHSH: Sir, is the Hon'ble Minister addressing the Speaker or the House?

The Hon'ble Shri KALIPADA MOOKERJEE: I am addressing the Speaker.

এই বিলের উদ্দেশ্য ধনীর স্বার্থসিদ্ধি নয়, নিম্ন মধ্যবিত্ত শ্রেণীর যাতে কিছু বাসস্থানের ব্যবস্থা হয়, তারই বিধান করা। আজকের দিনে, আজকে দুনিয়ার এই পরিবর্ত্তিত পরিস্থিতিতে সকলেই সেই নিম্ন মধ্যবিত্ত শ্রেণী এবং যাঁরা আজও বাসস্থানের অভাবে ঘুরে বেড়াচ্ছেন, তাঁদের সুযোগ সুবিধা বিধান করা একান্ত প্রয়োজন বলে মনে করেন। আজকে যে Ordinance এর বলে আমরা এই বাসস্থান requisition করবার বা eviction এর বন্দোবস্ত করেছি তাকে আইনে পরিণত করার আর কালবিলম্ব করা সম্ভবপর নয়। সেইজন্য আমি এই বিলটা আপনাদের কাছে উপস্থাপিত করেছি, এবং আমি আশা করি আপনারা সকলেই সর্ব্ববাদীসম্মতিক্রমে এই বিলটাকে গ্রহণ করবেন।

Shri SUKUMAR DUTTA: স্পীকার মহাশয়ের মধ্য দিয়ে মাননীয় মন্ত্রী মহাশয়কে জিজ্ঞাসা করিতে চাই—তাঁর বক্তৃতায় মনে হল এই Requisition এর বাড়ীগুলো গভর্ণমেন্টের কর্ম্মচারী ও যাঁরা পূর্ব্ববঙ্গ থেকে আসছেন তাঁদের জন্য Requisition করা হচ্ছে। কিন্তু মেদিনীপুর, বীরভূম, বাঁকুড়া—এই সব জায়গায় যাঁরা মধ্যবিত্ত শ্রেণী এবং কলিকাতায় এসে বাড়ী পান না, এই বাড়ী গুলো কি তাঁদের ব্যবহারের জন্য পাওয়া যেতে পারে?

Shri ANANDI LAL PODDAR: On a point of order, Sir. Can a member put a question after the Hon'ble Minister has replied?

Mr. SPEAKER: I don't think he can.

(At this stage Mr. Speaker rose and was putting the motion to vote.)

Mr. C. C. D. WILKS: On a point of order, Sir. The amendments have not been taken up.

Mr. SPEAKER: The amendments will be taken up after the consideration motion has been put.

The motion of the Hon'ble Sri Kalipada Mookerjee that the West Bengal Premises Requisition and Control (Temporary Provisions) Bill, 1947, be taken into consideration, was then put and agreed to.

Clause 1.

Shri ISWAR CHANDRA MAL: I beg to move that in clause 1(3) after the word "Bengal" the words "excluding the areas affected by the tidal bores and cyclone of 1942" be inserted.

সভাপতি মহাশয়, আমি যে কথা বলছি অবশ্য ইংরাজেরা চলে যাবার পরে ইংরেজী বাংলা মিশে একটা খ্যাচড়া হয়ে গেছে (Laughter)। আমি বলছি যে আমাদের মেদিনীপুর জেলার কাঁথি ও তমলুক সামুদ্রিক জলোচ্ছ্বাসে যেরকম ভয়ানকভাবে ক্ষতিগ্রস্ত হয়েছে, ঝড়ের জন্য বাড়ীঘরের যে অবস্থা হয়েছে এবং ১৯৪২ সালের আন্দোলনে তদানীন্তন গভর্ণমেণ্টের অত্যাচারের ফলে যেভাবে বাড়ীঘর পুড়িয়ে নষ্ট করা হয়েছে আজ পর্য্যন্ত তা সংস্কার সাধন সম্ভবপর হয়নি। আজও পর্য্যন্ত গভর্ণমেণ্ট কোন material দিতে চান না। অথচ এত অতিরিক্ত অফিসার এসেছেন যে তাঁদের জন্য আমাদের বসতবাড়ী পর্য্যন্ত আজ ছেড়ে দেবার মত অবস্থা হয়েছে।

Mr. SPEAKER: The amendment is very vague. I cannot see as to which area is to be excluded. Therefore, I am sorry, this amendment is not in order.

Shri ISWAR CHANDRA MAL: It is definitely known to the Government.

Mr. Md. KHUDA BUKHSH: On a point of order, Sir. You have ruled that a motion moved in English should be debated in English. I now find that the honourable member having moved the motion in English is speaking in Bengali.

Mr. SPEAKER: What I have stated is that the motions which have been sent in English should be moved in English but speeches on them can be made in English or Bengali or Hindusthani

Shri ISWAR CHANDRA MAL: Coastal area কাকে বলে গভর্ণমেণ্ট সেটা জানেন ও describe করেছেন। Coastal area তার নাম যে area সামুদ্রিক জলোচ্ছ্বাসে ভেসে গিয়েছিল। অর্থাৎ যেটাকে বলে বন্যাবিধ্বস্ত অঞ্চল গভর্ণমেণ্টের সমস্ত কাগজপত্রে বন্যাবিধ্বস্ত অঞ্চল বলে সেটা লিখা আছে। সেখানে তারা relief পেয়েছে, loan পেয়েছে। কারণ সামুদ্রিক জলোচ্ছ্বাসে তারা উদ্বাস্তু হয়ে গেছে।তারা আজ গভর্ণমেণ্ট থেকে protection পাচ্ছে। কাজেই অন্য জায়গার ঘরবাড়ী নিন্ আপত্তি নাই। কিন্তু যেখানে ঘরবাড়ী ভেসে গেছে এবং এখন পর্য্যন্ত তারা একটা কুঁড়ে তৈরী করতে পারেনি, আর গভর্ণমেণ্ট থেকে কোন materialও পাওয়া যায় না সেখানে তাদের যদি protection না দেন, তাহলে সেখানকার সমস্ত লোককে উদ্বাস্তু হয়ে গভর্ণমেণ্ট অফিসারদের জায়গা করে দিতে হবে। আমি আশা করি সেটাকে যদি coastal area বলতে না পারেন তাকে coastal belt বলতে পারেন। কারণ সেইসব জায়গায় গভর্ণমেণ্ট relief দিয়েছেন এই বলে যে সেগুলো affected area by cyclone and flood. তাছাড়া ঘর-দুয়ার যে কত পুড়িয়েছে তারও সীমা সংখ্যা নাই। আমি বিশেষ করে নিবেদন করছি আপনাদের কাছে যে এই বিষয়টা বিবেচনা করে দেখুন।

Mr. SPEAKER: I am sorry, Mr. Mal, I cannot allow this amendment because it is absolutely vague. "Coastal area" is a vague term.

Mr. RAJANI KANTA PRAMANIK: মাননীয় সভাপতি মহাশয়, মাননীয় ঈশ্বরচন্দ্র মাল মহাশয় যে কথা বলেছেন সেটা খুব সত্য কথা। এটার spiritটা আপনারা যদি দয়া করে গ্রহণ করেন এবং এই জিনিসটা অত্যাবশ্যকীয় বলে যদি মনে করে থাকেন তাহলে যদি amendmentটার ভাষাতে কোন কিছু দোষ থাকে তাহলে আমি মনে করি যে সেটা ঠিক করে নিন। এ জিনিসটা দরকার। আমাদের জেলা যেভাবে দুর্দ্দশাগ্রস্ত হয়েছে দুর্বিবপাকে, এবং রাজনৈতিক কারণে যেভাবে ঘর-দুয়ার পুড়িয়ে দেওয়া হয়েছে, এখনও লোকেরা সমস্ত বাড়ী তৈরী করে উঠতে পারেনি, মেরামত করতে পারেনি, কারণ দাম যেভাবে হয়েছে এবং জিনিসপত্র পাওয়া যায় না, তাতে সম্ভব নয়।

Mr. SPEAKER: I am sorry that so far as this motion is concerned it is for the Hon'ble Minister to say if he wants to say anything on this matter.

The Hon'ble Shri KALIPADA MOOKERJEE: মাননীয় Speaker মহাশয়, যে সংশোধনী প্রস্তাব উপস্থাপিত করা হয়েছিল এবং যার অনুমতি পাননি আমি তদুদ্দেশ্যে বলতে চাই আমার বন্ধুদের যে মেদিনীপুরের যে সমস্ত অঞ্চলের কথা তাঁরা বলেছেন সেখানকার দুঃখ, দুর্দ্দশা এবং দুর্গতির কথা বাংলাদেশের জাতীয় সরকার এবং বাংলাদেশের প্রত্যেক নাগরিকই জানেন। তাঁদের যাতে কোন অসুবিধার সৃষ্টি না হয় সেদিকে আমরা দৃষ্টি রাখবো। এই অসুবিধা দূর করবারই ব্যবস্থা হচ্ছে, অসুবিধা সৃষ্টি করার জন্য নয়। কাজেই মেদিনীপুরের বন্যাবিধ্বস্ত বা অন্যান্য অঞ্চলের অধিবাসীরা যদি এই বিল পাশ হবার ফলে সত্যিকারের কোন অসুবিধা পান, সে অসুবিধা দূর করবার আমরা যথাসাধ্য চেষ্টা করবো এবং এ সম্বন্ধে যদি আমাদের বা সরকারের দৃষ্টি আপনারা আকর্ষণ করেন তাহলে সে সম্বন্ধে আমরা ব্যবস্থা করবার চেষ্টা করবো।

Shri SUKUMAR DATTA: Amendmentও অনেকবার পরিবর্তন হয়েছে ; এটা কি করা যাবে না ?

Mr. SPEAKER: I find that there is power given in clause 24 that the Provincial Government may make rules for carrying out the purposes of this Act. If the Government be so inclined it may do so, but until and unless you actually define as to what are the areas affected by the tidal bore and cyclone, it is so vague that I cannot accept it

Shri NIKUNJA BEHARI MAITY: I beg to move that in clause 1(*3*) after the word "Bengal" the words "excluding Contai and Tamluk subdivisions of Midnapore district" be added.

মাননীয় সভাপতি মহাশয়, এই বিলটি অত্যন্ত short noticeএ দেওয়া হয়েছে। আমাদের ১১টার মধ্যে amendment দিতে বলা হয়েছিল এবং ১১টার মধ্যে দেওয়া সকলের পক্ষে সম্ভবপর নয়। যদি এই amendment vague হয়ে থাকে তাহলে অনুগ্রহ করে আমার short-notice amendmentটা গ্রহণ করুন; তাহলে Contai ও তমলুক মহকুমাকে এ থেকে exclude করা হবে। এটা more definite এবং এতে কোন vagueness নেই।

Mr. SPEAKER: Will you please put it into writing?

(The amendment was handed over to the Chair.)

Shri NIHARENDU DUTT-MAZUMDAR: Is this discussion taking place on the amendment which you have ruled out?

Mr. SPEAKER: That amendment has been disallowed.

Shri NIHARENDU DUTT-MAZUMDAR: Then how are you allowing a discussion on an amendment which you have disallowed. What is the issue before the House?

Sri HEMANTA KUMAR BASU: You cannot accept a new amendment.

Mr. SPEAKER: So far as clause 1 is concerned, it is before the House. It is for an honourable member to move an amendment which may be allowed on short notice even on the floor of the House.

Shri NIHARENDU DUTT-MAZUMDAR: I think the Hon'ble Minister might be pleased to explain as to why this Bill was brought in at such short notice. The point has been raised on the other side. The point appears to have been raised on this side of the House also and the Hon'ble Minister might help the House by explaining as to why it was brought in at such a short notice and what can be done in order to facilitate any suggestions that might be given to Government for effecting improvement that might be necessary hereafter.

Mr. SPEAKER: It is true that the time which has been given has been very short and I hope that the Hon'ble Minister will explain as to what he proposes to do.

The Hon'ble Shri KALIPADA MOOKERJEE: এই আইনের একটা বিধান আছে যে Government ইচ্ছা করলে, এই আইন প্রণয়নে তাঁদের হাতে যে ক্ষমতা আছে তাতে, কোন রকম প্রয়োজন যদি মনে করেন, সেই rule-making এর ক্ষমতার ভিতর দিয়ে তাঁরা করতে পারেন। আমি সকলকে অনুরোধ করবো যে আপনারা বিলটা যেরকমভাবে আছে সেইভাবেই গ্রহণ করুন; তারপরে যে rule-making power রয়েছে তার দ্বারা তার ব্যবস্থা যেভাবে দরকার করা হবে। আজকে বিলটি যেভাবে করা হয়েছে আপনাদের কাছে আমার সনির্বন্ধ অনুরোধ যে আপনারা সেইভাবেই বিলটি গ্রহণ করুন।

Mr. SPEAKER: Is Mr. Maiti going to withdraw his motion which he has moved at short notice?

Shri NIKUNJA BEHARI MAITI: মিঃ স্পীকার মহোদয়। আমার short-notice amendment আমি withdraw করিতেছি।

Shri NIHARENDU DUTT-MAZUMDAR: Do I understand that you are allowing short notice amendments from private members just now?

Mr. SPEAKER: Short notice amendments are allowed even on the floor of the House if it is necessary.

Shri NIHARENDU DUTT-MAZUMDAR: Are you now allowing short-notice amendments?

Mr. SPEAKER: Yes, I am allowing, in view of the fact that very short time has been given by the Government to members to consider the Bill.

Shri BIMAL CHANDRA SINHA: What is the amendment?

Mr. SPEAKER: "Excluding Contai and Tamluk subdivisions of Midnapore district". It stands like this: "It extends to the whole of Bengal excluding Contai and Tamluk subdivisions of Midnapore district".

Shri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, you ruled just now that this amendment in this form is vague and as such inadmissible. Are we to understand that you are allowing that amendment in exactly that form?

Mr. SPEAKER: So far as the amendment moved by Mr. Mal is concerned, I have disallowed it. This is a new amendment moved by Mr. Maiti. It is for me to allow it or not. It is a short notice amendment which has been moved by Mr. Maiti.

Shri BIMAL CHANDRA SINHA: Are we to take it that you hold this to be in order?

Shri A. K. GHOSE: The member has already withdrawn his amendment. There can be no discussion on the withdrawn amendment.

Mr. SPEAKER: Mr. Maiti wants to withdraw his motion. Has he the leave of the House?

(As there was no objection, the motion of Mr. Nikunja Behari Maiti was then by leave of the House withdrawn.)

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Mr. C. C. D. WILKS: I beg to move that the amendment tabled reading " 'premises' means any *pucca* building or part of a *pucca* building which is, or is intended to be, let separately for residential or non-residential purposes and includes" be substituted for clause 2, item (*e*), " 'premises' means any building or part of a building or any hut or part of a hut which is, or is intended to be, let separately for residential or non-residential purposes and includes".

Sir, I beg to move that in clause 2(*e*) for paragraph (*i*) the following be substituted, namely:—

> "the waste garden grounds and out-houses (if any) appertaining to such *pucca* building or part of such *pucca* building."

Sir, I beg also to move that in clause 2 after item (*g*) the following be added, namely:—

> "(*gg*) 'public purpose' means any purpose connected with the shortage of accommodation for public servants in West Bengal."

Mr. SPEAKER: Is there anybody to speak?

Shri J. C. GUPTA: Mr. Speaker, Sir, may I draw your attention to the amendment—" 'Public purpose' means any purpose connected with the shortage of accommodation for public servants in West Bengal"? I put it to the mover of the amendment through you, Sir, that he is not considering the cases where hospital staff and students are concerned. If he limits like that, they would not be benefited by this. Having regard to that view will the mover of the resolution kindly withdraw the amendment?

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, is the honourable member speaking on a point of order, or is he speaking on the amendment? The amendment is not yet open to the House for discussion. The rules of the debate should not be interfered with.

Shri J. C. GUPTA: Sir, Mr. Siddiqui did not hear Mr. Speaker when he said whether anybody wanted to speak. Mr. Speaker said that first and then I rose.

Mr. ABDUR RAHMAN SIDDIQI: I did not hear you, Sir.

Shri J. C. GUPTA: If you had heard him, you would not have said this.

The motion of Mr. G. C. D. Wilks that in clause 2, for the item (*e*) the following be substituted, namely:—

> " 'premises' means any *pucca* building or part of a *pucca* building which is or is intended to be let separately for residential or non-residential purposes and includes,"

was then put (A VOICE FROM THE GOVERNMENT BENCHES: "Noes have it") and after a pause Mr. Speaker announced "Noes have it".

Mr. ABDUR RAHMAN SIDDIQI: Sir, I claim a division.

Mr. SPEAKER: You cannot claim a division. I have already said "Noes have it".

Mr. ABDUR RAHMAN SIDDIQI: That is why I demand a division——

Mr. SPEAKER: All right; I will allow a division.

(The division bell was then rung.)

The motion of Mr. G. C. D. Wilks that in clause 2, for the item (*c*), the following be substituted, namely:—

> " 'premises' means any *pucca* building or part of a *pucca* building which is, or is intended to be, let separately for residential or non-residential purposes and includes,"

was then put and lost.

(Mr. Abdur Rahman Siddiqi rose and called for a division just after the motion was declared lost by Mr. Speaker.)

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I can stand on my right and I can demand a division unless you rule it out.

Mr. SPEAKER: After the decision has been declared by me, no division can now be allowed.

Shri JYOTI BASU: But, Mr. Speaker, you said "Noes have it" only once.

Mr. SPEAKER: First I said "Noes have it", and then paused and waited for some time but nobody rose up Then I said again, "Noes have it". So the decision has already been made.

The motion of Mr. G. C. D Wilks that in clause 2(*c*), for paragraph (*i*), the following be substituted, namely:—

> "the waste garden grounds and out-houses (if any) appertaining to such *pucca* building or part of such *pucca* building,"

was then put and a division called.

(When the division bell was ringing, the following discussion took place.)

Shri BIMAL COMAR GHOSE: May I suggest to you, Mr. Speaker, one thing? Will you modify the rule regarding the ringing of the bell from five minutes to two minutes?

Mr. SPEAKER: That is a matter for future consideration.

The result of the division was as follows:—

AYES—19.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abdur Rahman Siddiqi, Mr.
Abul Hashem, Mr.
Husan Ara Begum.
Jasimuddin Ahmed, Mr.
Kazem Ali Mirza, Shahibzada Kawan Jah Saiyid.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Qumruddin, Mr.
Muhammad Rafique, Mr. J. P.
Muhammad Siddique, Dr. Syed.
Musharruff Hossain, Nawab, Khan Bahadur.
Platel, Mr. R. E.
Ricketts, Mrs. E. M.
Serajuddin Ahammad, Mr.
Wilks, Mr. G. C. D.

NOES—46.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerjee, Sri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Basu, Mr. Hemanta Kumar.
Basu, Mr. Jyoti.
Bhandari, The Hon'ble Sri Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, The Hon'ble Sri Annada Prosad.
Das, Miss Bina.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.

De, Sri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. Prafulla Chandra.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majumdar, The Hon'ble Sri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Mr. Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mookerjee, The Hon'ble Sri Kalipada.
Murarka, Mr. Basantlal.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Poddar, Mr. Anandilal.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Sri Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 19 and the Noes 46, the motion was lost.

The motion of Mr. G. C. D. Wilks that in clause 2 after item (*g*), the following be added, namely:—

"(*gg*) 'public purpose' means any purpose connected with the shortage of accommodation for public servants in West Bengal",

was then put and lost.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 stand part of the Bill was then put and agreed to.

Clause 7.

Shaik MUHAMMAD RAFIQUE: Sir, I ask your permission to move a short notice amendment. I think Government will have no objection to accept my amendment. It is a very useful amendment.

I beg to move that in line 9 of sub-clause (*1*) of clause 7 for the word "ten" the word "thirty" be substituted. The reason is that if a tenant is asked to vacate the premises within 10 days, the time is very short. He will have to find another place to shift. Also, Sir, if he is asked to put in an appeal, he will have to take advice of a lawyer and for that purpose also the time is very short. I think if 30 days' time is given to him, he may find out a place for himself and give possession of his premises to the Government. It will not be possible for any tenant to vacate the premises even within 30 days much less in 10 days and Government will have to take recourse to other measures to evict him. So I hope Government will accept this amendment. Of course, I quite appreciate the motive behind this Bill. As Hon'ble Minister has said, that this Bill is being passed into law just to provide for evacuees from East Bengal. (Cries of "no", "no" from Government benches). I welcome it because all the vacant premises should

be requisitioned and filled up by people who cannot find accommodation There are people who are occupying more than one house and such house should be requisitioned. But it would be a great hardship to those wh are occupying houses if notice is served on them to vacate these house within 10 days. I find with a very meagre number of members we canno put in an effective opposition, but I would appeal to the good sense of th Government that they should provide sufficient time to the tenants who ar willing to vacate their premises in time for the incoming tenants. Government has not given any assurance on the point which has been raised b Mr. Wilks that these premises will be used for Government servants. A a matter of fact, as it appears, Sir, from the provision of this Bill, Government can make allotments of these premises to anybody they like—it ma be, if the point is extended, to the friends, to the relatives of the people o position in the Government. However, Sir, I would request that sufficien time be given to the tenants, so that they can vacate the premises and fin out other houses.

The Hon'ble Shri KALIPADA MOOKERJEE: যে সংশোধিত প্রস্তাবটি এখন উপস্থিত হয়েছে সেই সংশোধিত প্রস্তাব অনুযায়ী ৩০ দিন সময় দেওয়া আমাদের পক্ষে সম্ভবপর নয় যে উদ্দেশ্য নিয়ে আমরা তাড়াতাড়ি বাড়ী সংগ্রহ করবার কাজে আত্ম-নিয়োগ করেছি তাতে ব্যাঘাতের সঞ্চার করবে। সেজন্য আমার মনে হয় যে দশ দিনের পরিবর্তে যদি আমার বন্ধু রাজি থাকেন দুই সপ্তাহে, তাহলে দুই সপ্তাহের সংশোধনে রাজি আছি।

Mr. SPEAKER: I think an honourable member should formally mov this motion.

Shri J. C. GUPTA: Sir, with your permission I beg to move a shor notice amendment that in sub-clause (*1*) of clause 7 in line 9 instead of th word "ten" the word "fourteen" be substituted.

The Hon'ble Sri KALIPADA MOOKERJEE: Sir, I accept this amendment.

Shaik MUHAMMAD RAFIQUE: Sir, I want to withdraw my motion

Mr. SPEAKER: Has the House given its permission? (Cries of "yes" "yes").

The motion of Mr. Muhammad Rafique that in sub-clause (*1*) of claus 7 in line 9 for the word "ten" the word "thirty" be substituted was the by leave of the House withdrawn.

The motion of Shri J. C. Gupta that in sub-clause (*1*) of clause 7 in lin 9 instead of the word "ten" the word "fourteen" be substituted was the put and agreed to.

The question that clause 7 as amended stand part of the Bill was the put and agreed to.

Clause 8.

Shaik MUHAMMAD RAFIQUE: Sir, there is a consequential amendment in clause 8. Here the words "seven days" should be substituted b the words "fourteen days".

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: It is not consequential.

Shaik MUHAMMAD RAFIQUE: But, Sir, you must give the aggrieve some time for appeal. After he has received a notice, he will have to consul a lawyer and prepare appeal and file it.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Please do no press that point.

Shaik MUHAMMAD RAFIQUE: Sir, it also appears from this section that if a man files an appeal, he will not be given a hearing. His appeal will be taken on the statement which he makes. The clause reads thus: "Any person aggrieved by an order under section 7 may, within seven days of the receipt thereof, appeal in writing to the Commissioner of the Division who may, after calling for a report from the Collector and after making such further inquiry, if any, as he thinks fit, pass an order determining the appeal". As a matter of fact, the appellant will not be given an opportunity to place his case before the Collector. If on receipt of an appeal from a party the Collector gives a hearing to the party, then the party can place his case before the Collector, and meet the statement of the Government side otherwise it would be an *ex-parte* decision in that whatever he puts in black and white, he will not be in a position to hear what the other side has to say and to know if the facts which are stated by the other side are correct or not. I request, therefore, in the cause of justice and fairness to all parties, that the appellant should be given the right to place his case before the Collector. Of course the Collector's decision will be final. He will not be challenged in any other court. Since the appellate court's decision will be final, it is quite fair and just and proper that the appellant should be given the right of placing his case before the final deciding authority.

Mr. SPEAKER: With regard to short notice amendments, I would like to say this that the members should put them in writing, because otherwise exact words are not placed before the House. All such amendments should be moved in exact words. I request the honourable members that to regularise the procedure they must first move the motions and then make their speeches.

Shaik MUHAMMAD RAFIQUE: Sir, I beg to move that in clause 8, line 2, for the word "seven" the word "fourteen" be substituted.

I also beg to move that in clause 8, line 4, after the word "Collector" the words "giving a hearing to the party" be inserted.

Shri J. C. GUPTA: Mr. Speaker, Sir, I think the Hon'ble Minister in charge accommodated the Opposition by accepting two weeks in place of ten days, but when it is a question of appeal, seven days' time is quite enough for preferring an appeal. The spirit in the matter is the essence of the thing and if any dilatory proceedings are allowed, then the purpose of the Bill will be defeated. Therefore, I would request the mover of the amendment not to press that question.

As regards the other amendment, to make it compulsory to grant a hearing he is only looking to the interests of the lawyers and not to the interests of the people concerned whom this Bill wants to benefit. This is the provision "......................... may, after calling for a report from the Collector and after making such further inquiry, if any, as he thinks fit, pass an order ....". This does not present hearing. In cases where on getting a report from the Collector, he will think that the party should be given a hearing, there a hearing will be given. Otherwise, if this amendment is accepted, then the inevitable law's delay will be operating and the object of the Bill will be defeated.

The motion of Shaik Muhammad Rafique that in clause 8, line 2, for the word "seven" the word "fourteen" be substituted was then put and lost.

The motion of Shaik Muhammad Rafique that in clause 8, line 4, after the word "Collector" the words "giving a hearing to the party" be inserted was then put and lost.

The question that clause 8 stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 stand part of the Bill was then put and agreed to.

Clause 14.

The question that clause 14 stand part of the Bill was then put and agreed to.

Clause 15.

The question that clause 15 stand part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 stand part of the Bill was then put and agreed to.

Clause 17.

The question that clause 17 stand part of the Bill was then put and agreed to.

Clause 18.

Shaik MUHAMMAD RAFIQUE: Sir, I beg to move, with your permission, a short notice amendment to clause 18.

That in clause 18(*1*), line 2, after the words, "the Collector shall" the following be added, namely :—

"within fifteen days after the receipt of notice under section 17".

Sir, my intention in moving this motion is that this clause does not specify as to what period the Collector shall take in making allocation of the vacant premises. Under section 17 the landlord has to intimate to the Collector that a certain premises had fallen vacant and after the receipt of that notice from the landlord no provision has been made as to what time the Collector shall take in allocating such premises to any in-coming tenant. It is not provided here also whether the landlord shall get the rent from the date on which he intimates the Collector that a certain premises has fallen vacant, or from the date the Collector receives intimation, or the date it is occupied by the Collector. My intention in moving this motion is that it would be mandatory on the Collector to allot the premises to a particular tenant within a specified time, and the rent will run after the option period is over or from the date on which a particular premises is allotted to the tenant because it would not be fair that after the receipt of a notice from the landlord the Collector shall sit tight and keep the premises vacant for an

unlimited period depriving him of the rent to which he is entitled. In order that the landlord may not lose the rent of the premises which it is obligatory on him to keep under this Ordinance, the Collector shall have to find a tenant for the house or intimate to the landlord that the premises is derequisitioned. With that intention, Sir, I propose to add the following few words, namely, "the Collector shall within fifteen days after the receipt of notice under section 17". Section 17 provides that within seven days after such premises falls vacant the landlord shall intimate to the Collector that such a premises has fallen vacant. But there is no provision made as to what time the Collector shall take in coming to a decision on the matter. This addition therefore that I am proposing will compel him to allot the premises to a tenant within fourteen days of the receipt of notice from the landlord or intimate to the landlord that the premises has been derequisitioned. I do not think that any just and fair-minded member will object to this amendment. It is fair to the Government; it is fair to the tenant and it is fair to the landlord also.

With these words, Sir, I commend my amendment to the acceptance of the House.

Shri J. C. GUPTA: Mr. Speaker, Sir, I would suggest to the mover of this amendment to consider whether it would not be appropriate to say, as in clause 18(*2*), namely, "Where the Collector does not find a tenant suitable for the premises he shall issue a permit in the prescribed form to the landlord allowing him to use or deal with such premises as he may think fit". I certainly appreciate that the notice being given, a premises ought not to be left vacant for an indefinite period. Therefore his object will be gained if it is provided that where the Collector does not find a suitable tenant within fifteen days, he shall issue a permit——

Mr. MUAHAMMAD RAFIQUE: The drafting is "where the Collector does not find a tenant suitable" and I object to the word "suitable".

Shri J. C. GUPTA: I think the word "suitable" goes in his favour and should not be objected to. However, I am prepared to move an amendment to meet his point, if he withdraws.

Mr. ABDUR RAHMAN SIDDIQI: May I rise to a point of order. Can he move an amendment to an amendment?

Shri J. C. GUPTA: No, it is not an amendment to an amendment. Mr. Abdur Rahman Siddiqi being a vetern parliamentarian ought to be a little bit awake both in mind as well as in ears.

I am moving that in clause 18, sub-clause (*2*), after the word "premises" in line 2, the following be inserted, namely:—

"Within two weeks after the receipt of notice under section 17."

Mr. ABDUR RAHMAN SIDDIQI: Has the second amendment been submitted to you in writing?

Shaik MUHAMMAD RAFIQUE: Sir, I want to withdraw my amendment in favour of Mr. Gupta.

Mr. SPEAKER: Mr. Muhammad Rafique wants to withdraw his amendment to clause 18. Is there any objection?

As there being no objection, the motion of Shaik Muhammad Rafique that in clause 18(*1*), line 2, after the words "the Collector shall" the following be added namely:—

"within fifteen days after the receipt of notice under section 17"

was then by leave of the House withdrawn. The next amendment is that of Mr. Gupta.

Mr. ABDUR RAHMAN SIDDIQI: I should like to hear the amendment of Mr. Gupta from the Chair.

Mr. SPEAKER: Mr. Gupta's amendment is to the effect that after the word "premises" in line 2 of sub-clause (*2*) of clause 18, the following words be added, namely:—

"Within two weeks after the receipt of notice under section 17".

The short notice amendment of Mr. Gupta was then put and agreed to.

Shri A. K. GHOSE: There is a clerical mistake in sub-section (*3*) of section 18. Instead of sub-section (*2*) it should be sub-section (*1*).

The question that clause 18, as amended, stand part of the Bill was then put and agreed to.

Clause 19.

The question that clause 19 stand part of the Bill was then put and agreed to.

Clause 20.

Mr. MD. KHUDA BUKHSH: Sir, I move that in clause 20, line 4, after the words "or with fine" the words "which may extend to two thousand rupees" be inserted.

Sir, this is the penal clause of the Bill. In this penal clause the imprisonment that can be awarded by the proper authorities trying cases arising out of this Bill can extend only up to one year, but, Sir, no limit has been set to the fine that they can impose on persons offending against the provisions of this Bill.

Sir, it is customary—and I think it is right—to put limits to all penal provisions and not leave it entirely to the discretion of the trying authorities. I have fixed the limit at Rs.2,000 which should, I feel, allow a wide range to the trying authorities to fix the fine in relation to the degree of offence committed and which would meet the ends of justice.

With these words I commend the amendment for the acceptance of the House.

The Hon'ble Shri KALIPADA MOOKERJEE: I accept the amendment without any speech.

The motion of Mr. Muhammad Khuda Bukhsh that in clause 20, line 4, after the words "or with fine" the words "which may extend to two thousand rupees" be inserted was then put and agreed to.

The question that clause 20, as amended, stand part of the Bill was then put and agreed to.

Clause 21.

The question that clause 21 stand part of the Bill was then put and agreed to.

Clause 22.

The question that clause 22 stand part of the Bill was then put and agreed to.

Clause 23.

The question that clause 23 stand part of the Bill was then put and agreed to.

Clause 24.

The question that clause 24 stand part of the Bill was then put and agreed to.

Preamble.

The question that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Shri KALIPADA MOOKERJEE: Sir, I beg to move that the West Bengal Premises Requisition and Control (Temporary Provisions) Bill, 1947, as settled in the Assembly, be passed.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I have rather a bad throat, so you will forgive me if my voice does not reach you fully. Sir, I have been watching like an orphan the proceedings of the House today. Let alone the members of the Ministry I find a delectable arrangement when ordinary members try and dictate not only to Ministers but even to the Chair. ("Question" from Government benches.) Sir, I have played fairly long at this game of parliamentarism but things as are being conducted in this small House of ours do not——

Shri HEMANTA KUMAR BASU: Is it in order and relevant?

Mr. SPEAKER: Let Mr. Siddiqi have his say.

Mr. ABDUR RAHMAN SIDDIQI: Sir, my younger brothers do not seem to realise that I am an elected member of this House. They do not know the rules of debate and that is why I was disturbed in my speech. Sir, I know my cry is a cry in the wilderness. I know that even sensible suggestions are being crushed under the dead weight and terror of an absolute majority of a gigantic form, and yet, Sir, I have the hardihood to appeal and beg of the Ministry to show consideration and kindness even if we are in the wrong, because they are so many and we are so few.

Another thing I should like to point out to the Hon'ble the Chief Minister or Prime Minister—I do not know what is the new nomenclature as the new Parliament has not yet found its phraseology. Mr. Speaker, Sir, may I in all earnestness appeal to the Hon'ble the Chief Minister to consider for a moment whether this pernicious system of perpetuating Ordinances is really a good legislative arrangement. I understand that on occasions the Government has got the extraordinary power of passing Ordinances, but gentlemen who are now sitting there were once on this side and Ordinance, Sir, was never welcomed in any shape or form. Now we are going to have a Government which will be run on Ordinances presented to us in the shape of Bills which in a few minutes will be called Acts. This has gone on but may I, in all sincerity, Sir, and in all earnestness, appeal to the gentlemen who are now in power to consider that even if the Opposition is negligible the rules of Parliaments and the rights of the citizens who may not agree with them should not be trampled under foot. They may, if they like, consult their legal department and the Advocate-General and whosoever they choose, but the perpetuation of an Ordinance, Sir, stinks in the nostril of people who have believed in the rights of citizens, who have believed in the correct form before some of the members were born and therefore I would draw attention to this aspect of the conduct of our parliamentary business in this House. I am speaking not as a member of the Opposition. I am speaking as a citizen, Sir. This may or may not be accepted by everybody, but it is my duty to express the views I have held for years and which, I hope, I shall hold till I die. This particular Bill, Sir, is intended to help those who come from outside. It is a correct and right procedure, but I hold that the Government has not paid sufficient attention to the rights of the citizens that are here. I know they are in a hurry. I know that in spite of this Ordinance which has to cease because now we are in session they could have protected the interests of the existing people in the city. I remember, Sir, the house in which I was living was requisitioned for the Americans in those days, and the notice given to me was seven days. I rushed all over Calcutta but could not find a house. I went to the officer

in charge and asked him to give me another house. He could not, and the result was that I had to rush into a house which before my occupation had been a brothel (laughter). Sir, such conditions may be repeated not in the days of war but in the days of peace; and it is about that that I am once more appealing to the Government.

Sir, I know this Bill will become an Act, but will they be gracious, will they be kind, will they be generous and instruct the officers who will carry out this Ordinance-*cum*-Law into effect to show generosity and kindness to the owners and to the tenants, particularly of shops and business premises if it does not interfere with the schemes and plans of the Government?

I am sorry, Sir, that I have taken up the time of the House. *I hope that I have not given cause for irritation to Mr. J. C. Gupta who seems to be the schoolmaster of the Cabinet today and who now is losing even his good manners by calling me a deaf man. I am not deaf. Only his utterances were perhaps directed towards you, and the acoustics of this House have always been considered as not very good. We may be negligible; we may be the worms that may be trampled upon, but let them show generosity and kindness Let them listen to us. They will decide what they want. In fact, Sir, in the Central Assembly when we had the Interim Government, I requested Pandit Jawaharlal Nehru, who was the Prime Minister as well as Leader of the House, to manufacture an Opposition, because in the absence of any intelligent and critical Opposition Government is likely to get demoralised.

May I repeat my request to the Hon'ble the Chief Minister that it will be to his interest to allow some of his followers to come and sit with us (laughter). Honourable members do not yet seem to realise that this is a Parliament of Western Bengal and for a Parliament a negligible Opposition is a serious danger. It has been done in other Parliaments, and therefore my request to the Chief Minister will be——(Sir, even Ministers are interfering I seek your protection.) I have a right to speak as long as I like I think. Therefore my appeal to the Hon'ble the Chief Minister is to manufacture an Opposition if he can with this one exception that if there is a motion of no-confidence his followers will vote with him. In his own interest, in the interest of the measures that he will bring before us, and in the interest of the people of West Bengal, the wisest thing that he can do is, as I have said, to manufacture an Opposition.

Shri NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir——

Mr. MD. KHUDA BUKHSH: On a point of privilege, Sir. The House used to adjourn during prayer time. This House has not adjourned for *Assar* prayer; it is now going to be time for *Magrib* prayer. *Magrib* prayer now generally begins at quarter to five. I would request the Hon'ble Speaker to adjourn the House for prayer as soon as it is convenient.

(At this stage the House was adjourned for 15 minutes.)

(After Adjournment.)

Shri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, I am sorry the Opposition benches seem nearly empty and while intervening in this debate at this hour I regret all the more that the honourable member who spoke before me has already left perhaps like a butterfly but nonetheless leaving behind as chrysalis his speech——

Mr. Md. KHUDA BUKHSH: He has gone to prayer.

Shri NIHARENDU DUTT-MAZUMDAR: I notice, Sir, that it was interesting to find that my honourable friend spoke as if like a morose little lamb, innocent, and regretting the present position of the Opposition and he made a particular point to give us a homily about Ordinances. Sir,

it is not out of place in this connection to point out that the present Government—the free Government—after its inauguration for the first time is meeting the Legislature and this is only the third day of the Legislature, but, Sir, we are left with the legacy of the old regime which has made the already acute housing problem more acute as a result of the streams of refugees who are pouring into this province of West Bengal. If in this connection Government find it necessary to promulgate Ordinances or to come out with a Bill for the purpose of requisitioning houses, I do not see that it would call for a homily from the honourable member on the other side. Perhaps it is convenient for him to forget that while this Government in order to relieve the distress on account of housing shortage is seeking to have powers for the purpose of requisitioning houses and Ordinances are being applied to proprietors of buildings, Ordinances had been applied during the regime of the party to which my honourable friend belonged in order to——

Shaik MUHAMMAD RAFIQUE: He did not belong to the Muslim League Assembly Party in the last House also.

Shri NIHARENDU DUTT-MAZUMDAR: Men had been taken under Ordinances in prison during the old regime and the honourable member made it a point time and again to scoff at those to whom my honourable friends on the other side on the opening day of this House paid a brilliant tribute as martyrs and who had suffered and died in prison. But my honourable friend who came out with a big homily on the Ordinance for requisitioning houses forgets, perhaps conveniently, that Ordinances took away for years and years the lives of the youths of this country who had paid with life the price for the freedom of the country and by rotting in jails. He also often scoffed at the idea of giving a more humane treatment to our prisoners who were behind the prison bars, scoffing at them as *demands* of Government. It is delectable today to find that such friends should come with such wonderfully pathetic innocence displaying their dislike for Ordinances. It is not my purpose to rake up the past but it is certainly necessary that we should in our attitude and utterances with regard to the actions of this Government be careful so as not to make its position more difficult by unfair and unwarranted criticisms.

Sir, although I found that the honourable member's speech was rid of the poison fangs he tried to sting with the same old tongue. Sir, this is not to be taken very seriously. I should also think that it is perhaps a tribute to the members on this side that the Hon'ble Speaker realised that the Opposition lost much of its strength unless they wanted a loan from the Leader of the House of members of this side. I suppose, Sir, if the Opposition pleads its inability to rise up to the task which faces it today and which needs a little bit of thinking and alertness, it is meet and proper for the Opposition members of this House, as we have already shown, to prove that they are alert as much as possible——

Shaik MUHAMMAD RAFIQUE: May I tell you, Sir, that Mr. Siddiqi was speaking on his own behalf and not on our behalf? Perhaps my friend forgets that he represents the Muslim Chamber of Commerce and not the Muslim League.

Shri NIHARENDU DUTT-MAZUMDAR: Nonetheless my honourable friend rendered a signal service in making that delivery of his speech, although disowned by his fellow members.

Shaik MUHAMMAD RAFIQUE: Again, Sir, I ask my friend not to say that he is a fellow member of our party. He has come from the Muslim Chamber of Commerce and does not represent us. He sits alone and he has made his position clear.

Shri NIHARENDU DUTT-MAZUMDAR: Sir, in that case I stand corrected. I, therefore, like to say in conclusion that the present Government had to strain itself in order to establish peace and tranquillity in this province and have only settled down to elaborate legislations and to draw up its development schemes so as to make Ordinances unnecessary for the future. But, Sir, that opportunity can only come to it with some time devoted to this task and in the meanwhile it is the duty of the Government to see to the crying needs of the people, and in between the sessions of the legislature and before the Government has had time to be ready with development schemes and elaborate legislations covering all points, I think it is the public demand that Government should exercise extraordinary powers, even with Ordinances, in order to mitigate the immediate sufferings of the people; and in view of that, I think this is a measure in which, I believe, Government is arming itself with powers which will be utilised for alleviating the distress of the people and, Sir, the other side will have no cause of complaint unless any specific case arises with regard to any unjust application of the powers which Government are taking today. We are hearing piteous stories which suggest that we need houses for the people whose houses were being requisitioned in the neighbouring State in a most arbitrary manner and such people today have drifted to the hospitable city of Calcutta and are finding shelter in all manner of places. All over Bengal such refugees need shelter and care of the Government, and it is therefore meet and proper that Government should be armed with this power; and I am sure that Government enjoying the confidence of the citizens of this province will use this power in such a manner that there will be no occasion for any complaint whatsoever. Let not any member on the other side or any critic of the Government either inside this House or outside convict or condemn them before any action has been taken on account of the legislative power taken by them. There is no doubt that housing needs development under a regular scheme, and one member has said that the Government has the advantage of all building materials and of supplying them for building houses on vacant lands. Sir, even for that purpose Government needs time and a comprehensive scheme for the purpose of housing. It may become necessary to build up a whole network of satellite towns right around Calcutta from Asansol right up to Diamond Harbour in order to accommodate people in proper housing and also to help them in a proper manner so that along with their housing they might be equipped with all proper industrial establishments and ventures whereby they might also get employment. Sir, with all this herculean task confronting the Government I am sure that no one either inside this House or outside will grudge arming this Government with all the powers it needs, for before the next Budget Session it will not be proper for us to expect of the Government comprehensive schemes, but the needs are urgent and crying and Government has got to take all the measures in order to satisfy the crying needs of the people.

I, therefore, welcome this Bill which has been moved by the Hon'ble Minister and I commend it to the acceptance of the House.

Shaik MUHAMMAD RAFIQUE: Sir, I did not want to speak, but after my friend has spoken I think I should say a few words. This side of the House appreciate the difficulty of the Government in providing accommodation to those who have come to this province from East Bengal, though I must say we do not appreciate the language and the way my friend who spoke last has spoken, attributing everything to the Opposition.

Sir, whereas we want Government to help those who are not finding accommodation, we also feel that the Government is duty bound to see that those who reside in houses for many, many years should not be deprived of their houses because this very Government will have again to find places for their accommodation unless this measure is exclusively for persons from East Bengal. It was for this reason that small amendments—short notice amendments which could not be moved in time—were moved.

Sir, it is no use saying that the treatment would be so just and fair that there will be no cause for anyone to grumble. We all know how Acts are administered and how people would be shifted from one place to another. My friend has said that he has learnt the miserable story of those who have been coming from the neighbouring province. That is not the point which should be stressed because here also you have got people who are good citizens, good voters, good inhabitants of West Bengal and who have helped in dividing Bengal. These are your voters and supporters and their interest will have to be looked to. The proper course was to see that you provide these evacuees with accommodation on the vacant lands on which buildings can be constructed. At the time of shortage of accommodation in the city a good suggestion was made that pre-fabricated houses, should be purchased and put on vacant lands in Calcutta and near about. These houses could be fixed on vacant lands for the accommodation of evacuees who have not come to Calcutta but intend to leave East Bengal. The way this Bill has been rushed in such a short time and the way in which the right of hearing has been denied to the appellants rouse suspicion in the mind of the members on this side of the House that there are some other motives beside the one mentioned in the statement of aims and objects of this Bill. You do not intend to requisition vacant land or building but tenanted houses and residential houses, depriving lawful citizen of their generation old houses. With the microscopic minority at our disposal we do not intend to oppose this Bill and put any hindrance to the passage of this Bill. What we want is that this Bill should be judiciously used and people should not be deprived of their houses and huts where they have been living for many, many years.

The Hon'ble Shri KALIPADA MOOKERJEE: মাননীয় Speaker মহোদয়, এই বিল উপলক্ষে একটা বিতর্ক উঠেছিল। আনন্দের বিষয় যে বিরোধী দলের পক্ষ থেকেও তার মধ্যে কোন উষ্মা বা তিক্ততা প্রকাশ পায়নি। বিলের প্রয়োজনীয়তা সম্বন্ধে সকলেই এক বাক্যে উপলব্ধি করেছেন এবং তার জন্যই আজ সকলের সহযোগিতা পাওয়া গিয়েছে এই বিলটিকে আইনে পরিণত করবার দিকে। কথা উঠেছে যে কেবলমাত্র যারা আশ্রয়প্রার্থী তাদের সুযোগ সুবিধার জন্যই এই বিলের প্রণয়ন হয়েছে। কিন্তু সেটা আদৌ সত্য নয়। আজকের দিনে কলকাতা এবং কলকাতার উপকণ্ঠে এবং অন্যান্য স্থানে আজ বাস-সঙ্কট উপস্থিত হয়েছে। কলকাতার বুকে নানা স্কুল কলেজ এবং হাঁসপাতালের ছেলেরা স্থানাভাবে, বাস-ভবনের অভাবে কষ্ট পাচ্ছে। আজ সরকারী কর্ম্মচারীরা তাঁরাও তাঁদের বাসস্থান পাচ্ছেন না। নানা লোকের অভাব-অভিযোগ রয়েছে। এবং সেই বাসস্থান সম্বন্ধে অভাব-অভিযোগ দূর করার উপায় কেবলমাত্র এই Requisition Actই নয়; আজকে যে আইন হোলো এই আইনের সাহায্যেই যে আমাদের বাসস্থানের অভাব দূর করতে পারবো তা নয়; তার সঙ্গেও নানা পরিকল্পনা অনুযায়ী কাজ করতে হবে—যথা বাস্তু-ভিটা তৈরী এবং satellite town planning, যা আমায় বলেছেন কোন বন্ধু, এই সব দরকার। তবে সে satellite town planningএরও অনেক সময় লাগবে এবং আজকের দিনে লোহা বা cement প্রভৃতি জিনিসের অভাব থাকার জন্য, সরকারের পক্ষে সেইসব পরিকল্পনাকে কার্য্যকরী রূপ দেওয়া আজকের দিনে সম্ভবপর নয়। সেজন্য প্রয়োজনের খাতিরে এই আইনকে আনতে বাধ্য হয়েছে। এবং এ কথাও ঠিক যে আইনের ব্যবহার হবে সমাজের কল্যাণের দিক থেকে। আজকে যারা সত্যিকারের গৃহহারা, তাদের সুবিধা সুযোগ দেওয়া হবে; যেখানে তাদের বাড়ী নাই, ঘর নাই, সেই সমস্ত জায়গায় তাদের ব্যবস্থা হবে। কতকগুলি জায়গায় আমরা দেখেছি অসুবিধা সৃষ্টি হচ্ছে; বাড়ীওয়ালারা অত্যধিক সেলামী চাইছেন, বা উর্দ্ধতন হারে ভাড়া চাইছেন। সেইসব দুর্নীতি দূর করবার জন্যই এই আইনের প্রণয়ন হচ্ছে, লোকের সুবিধার জন্য, অসুবিধা সৃষ্টির জন্য নয়। কাজেই আমি আজ অনুরোধ করবো যে সকলে এই বিলটিকে পাশ করে দেবেন।

The motion of the Hon'ble Sri Kalipada Mookerjee that the West Bengal Premises Requisition and Control (Temporary Provisions) Bill, 1947, as settled in the Assembly, be passed was then put and agreed to.

The West Bengal District Boards Bill, 1947.

The Hon'ble Shri ANNADA PRASAD CHOUDHURI: Sir, I beg to introduce the West Bengal District Boards Bill, 1947.

(Secretary then read the short title of the Bill.)

The Hon'ble Shri ANNADA PRASAD CHOUDHURI: Sir, I beg to move that the West Bengal District Boards Bill, 1947, be taken into consideration.

The motion was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5

The question that clause 5 stand part of the Bill was then put and agreed to

Clause 6.

The question that clause 6 stand part of the Bill was then put and agreed to

Clause 7.

The question that clause 7 stand part of the Bill was then put and agreed to.

Preamble

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sri ANNADA PRASAD CHOUDHURI: Sir, I beg to move that the West Bengal District Boards Bill, 1947, as settled in the Assembly, be passed.

The motion was then put and agreed to

The West Bengal District School Boards Bill, 1947.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to introduce the West Bengal District School Boards Bill, 1947.

(Secretary then read the short title of the Bill.)

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I beg to move that the West Bengal District School Boards Bill, 1947, be taken into consideration.

The motion was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 stand part of the Bill was then put and agreed to.

Clause 7

The question that clause 7 stand part of the Bill was then put and agreed to.

Preamble

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to move that the West Bengal District School Boards Bill, 1947, as settled in the Assembly, be passed.

The motion was then put and agreed to

The Calcutta Municipal (Amendment) Bill, 1947.

The Hon'ble Shri ANNADA PRASAD CHOUDHURI: Sir I beg to introduce the Calcutta Municipal (Amendment) Bill, 1947.

(Secretary then read the short title of the Bill.)

The Hon'ble Shri ANNADA PRASAD CHOUDHURI: Sir I beg to move that the Calcutta Municipal (Amendment) Bill, 1947, be taken into consideration.

Shri A. K. GHOSE: Sir, with your permission I beg to move by way of amendment that the Calcutta Municipal (Amendment) Bill, 1947, be referred to a Select Committee consisting of—

(1) Mr. Bimal Comar Ghose,
(2) Mr. Niharendu Dutt-Mazumdar,
(3) Mr. Anandilall Poddar,
(4) Mr. J. C. Gupta,
(5) Mr. Bimal Chandra Sinha,
(6) Mr. Radha Nath Das,

(7) Mr. Hemanta Kumar Basu,
(8) Mr. Debendra Nath Sen,
(9) Mr. L. R. Pentony,
(10) Shaik Muhammad Rafique,
(11) Mr. Abdur Rahman Siddiqi,
(12) Mr. Jasimuddin Ahmed,
(13) Mr. Ardhendu Sekhar Naskar,
(14) Sir Uday Chand Mahtab, Maharajadhiraj Bahadur of Burdwan, and
(15) The Minister in charge of the Bill,

with instructions to submit their report by the 4th December, 1947, and the number of members whose presence shall be necessary to form the quorum be fixed at seven.

The Hon'ble Shri ANNADA PRASAD CHOUDHURI: I accept the amendment.

Mr. SPEAKER: Has the consent of the members been taken?

Shri A. K. GHOSE: Yes, Sir.

The motion of Sri A. K. Ghose that the Calcutta Municipal (Amendment) Bill, 1947, be referred to a Select Committee consisting of—

(1) Mr Bimal Comar Ghose,
(2) Mr Niharendu Dutt-Mazumdar,
(3) Mr. Anandilall Poddar,
(4) Mr. J. C. Gupta,
(5) Mr. Bimal Chandra Sinha,
(6) Mr. Radha Nath Das,
(7) Mr. Hemanta Kumar Basu,
(8) Mr. Debendra Nath Sen,
(9) Mr. L. R. Pentony,
(10) Shaik Muhammad Rafique,
(11) Mr Abdur Rahman Siddiqi,
(12) Mr. Jasimuddin Ahmed,
(13) Mr Ardhendu Sekhar Naskar,
(14) Sir Uday Chand Mahtab, Maharajadhiraj Bahadur of Burdwan, and
(15) The Minister in charge of the Bill,

with instructions to submit their report by the 4th December, 1947, and the number of members whose presence shall be necessary to form the quorum be fixed at seven, was then put and agreed to.

Point of Privilege.

Shri JYOTI BASU: Sir, before you adjourn I rise on a point of privilege. Yesterday, I rose on the same point, but unfortunately I find that more time was not given us to submit our amendments by reading through the Bills properly. Today again I find on the order paper that in tomorrow's agenda we have at least three Bills which deal with the curtailment of people'e liberties and we are asked to give amendments by tomorrow morning 11 a.m., if we have any.

I do not know why Government is in this frightful hurry, but I hold that Government should today accept our request and give us some more time, at least a day more, so that we can read through these Bills and bring

in our amendments, because they deal with very important matters, and unless the legislature here is given sufficient opportunity for discussion I do not see how this House can function democratically and properly as it should under the new conditions. Therefore, Mr. Speaker, I think you should prevail upon the Government so that our rights are not interfered with in this manner, and Government will lose nothing by giving us a chance to read through these Bills properly. Even yesterday these could have been given to us and we could have been asked to submit our amendments by tomorrow morning. But it was not done. Formerly, in the previous House, as far as I am aware, I do not remember if any such things happened. But I do not know why this new method is being introduced. I am afraid, if such things are done even now when there is not much of opposition, the proceedings will be turned into a farce, and it would be meaningless coming here and wasting everybody's time. In that case, I think, the better course would be to get things done at party meetings.

Mr. MD. KHUDA BUKHSH: Sir, I associate myself with the remarks made by the honourable member who has just spoken and with whom I would like to request the Hon'ble Minister in charge through you, Sir, to give us a little more time to study the Bills properly in order that we may be able to suggest amendments, if there are any.

Mr. SPEAKER: I do appreciate the feelings of the honourable members and I do feel that for proper consideration of the Bill before the House sufficient time should be given to members to examine it and submit their amendments. In the extraordinary position in which we are the Ordinances have been made and the Ordinances have to be passed in this House into law, for otherwise they will lapse. So far as the present occasion is concerned, I regret to observe that these Bills will be considered tomorrow but whatever Bills they want to bring before the House they should give notices immediately so that the members may have sufficient time for making amendments. I hope Government will realise that after all it is the democratic right of the Opposition that they should have sufficient time to submit their amendments.

Shri NIHARENDU DUTT-MAZUMDAR: Sir, it is not merely a question of the Opposition but it is the right and privilege of the House as a whole. Yesterday we drew your attention to it, and I hope the Hon'ble the Prime Minister will kindly tell us as to what steps he wishes to take to ensure that honourable members may get notices in due time so that they may have sufficient time to submit their amendments

Shri JYOTI BASU: Sir, I do not know what are the extraordinary circumstances for tomorrow's business. We have not got even 24 hours' time to give notices of amendments.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Speaker, I have every sympathy with my friends who have been complaining for want of time but I do say that these Ordinances were before them for a pretty long time, and this Ordinance is being simply brought in the shape of a Bill, and that is all. Of course, technically you may say that you have want of time but really speaking there is no want of time I do not think my friends who want to economise the time of the whole nation would stand in the way on technical grounds but I hope they would rather be willing to help us. But if they stand on technicalities simply, I hope they will pardon me if I cannot accommodate them. These Ordinances were before the public for a pretty long time and nothing more than that has been done in the Bill. Therefore I hope Mr. Jyoti Basu, who is a Bar.-at-Law, can draft amendments at one hour's notice and there are some friends here who are also eminent lawyers, more capable than myself, who can draft amendments in an hour's time as we do in the All-India Congress Committee or in

the All-India Muslim League Council. I must tell them that I do not want to stand on British technicalities and so-called democracy. I hope they will pardon me if I am unable to accede to their request.

Shri NIHARENDU DUTT-MAZUMDAR: Sir, may I tell, through you, the Hon'ble the Prime Minister and my leader, who is an infant parliamentarian, that in introducing Bills there are certain prescribed rules and under those rules the requisite time has got to be given to members. It is not a question of merely nation's time. In order to economise time Government must take care that timely notices are given so that business may be gone through expeditiously without our having had any occasion to raise this question of our privilege. I, therefore, hope that special arrangements may be made so that if Government has got any difficulty in giving timely notice, that difficulty might be removed. This is, Sir, an inalienable right of this House that the members who take the responsibility of deliberating upon the measures which this House is going to enact must have the requisite time in order to apply their minds to them. I therefore hope that my leader and the Hon'ble Prime Minister will kindly see to this that in all his anxiety to expedite the business of the House the rules regarding notices and time may not have to be waived. I appreciate that on an extraordinary occasion like this Government is justified in seeking a little latitude, but as a general rule the rules relating to notices must be scrupulously and meticulously observed. I hope we shall co-operate with Government in removing the difficulties, but members' privileges in this respect have got to be honoured and respected.

Mr. SPEAKER: On this point I want to say one thing. In spite of the fact that the Ordinances are there, the moment they are before the House in the shape of a Bill, members are certainly entitled to have sufficient time in order to consider them. And I would request the Prime Minister to see that utmost expedition is made to give necessary notices so that sufficient time is given to members to table amendments. If these are in the shape of Ordinances, it was not difficult for the Government departments to give timely notice of the Bills. I hope the rights of the members of the House should not be curtailed and they should be given sufficient time to send notices of amendments. I would request the Government and especially the Prime Minister to see that the departments expedite in the matter of giving notices of Bills and there be not a single moment's delay.

Adjournment.

The House was then adjourned at 5-15 p.m. till 3 p.m. on Thursday, the 27th November, 1947, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 27th November, 1947, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Shri ISWAR DAS JALAN) in the Chair, 8 Hon'ble Ministers and 57 members.

Use of the lobby by the police.

Mr. A. F. M. ABDUR RAHMAN: Mr. Speaker, Sir on a point of privilege. I would like to mention that the outside lobby which is exclusively reserved for the members is now being used by the police. Would you permit that?

Mr. SPEAKER: It cannot be used by the police.

Mr. A. F. M. ABDUR RAHMAN: The police are now sitting there.

Mr. SPEAKER: I would ask them to clear out

The West Bengal Special Powers Bill, 1947.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to introduce the West Bengal Special Powers Bill, 1947.

Shri JYOTI BASU: I oppose the introduction of this Bill.

Mr. SPEAKER: That cannot be done.

Shri JYOTI BASU: Why not?

Mr. SPEAKER: There is no motion before the House.

(Secretary then read the short title of the Bill.)

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to move that the West Bengal Special Powers Bill, 1947, be taken into consideration.

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, I have moved an amendment to the effect that this Bill be referred to a Select Committee and I have also given the names of the honourable members that should comprise that Select Committee It was done in extreme hurry and I am afraid I have not got a copy of the names that I submitted.

Mr. SPEAKER: Order, order. I will call the honourable members in the order in which they appear in the order paper. I ask Mr. Jyoti Basu to move his amendment.

Shri JYOTI BASU: Mr. Speaker, I move by way of amendment that the Bill be circulated for the purpose of eliciting public opinion by the 15th of March, 1948.

In moving this amendment I wish to register that this is a pernicious Bill which only a few months back the Congress had also agreed should be thrown out when Mr. Suhrawardy brought in a similar Bill. I think that the situation has not changed within the last six months to such an extent that it is necessary at this stage to bring in a similar Bill. I do not move

[th]is amendment with the idea that I shall succeed in stopping its passage, [co]nsidering the alignment of forces in this House, but because I wish to [re]gister on behalf of the people of West Bengal my moral indignation [a]gainst this Bill. It seeks to perpetuate, Sir, the hated Defence of India Act of an alien Government. It is contrary to democracy and is in clear violation of all that the Congress has stood for and fought for so many years. What is more, whilst the British had some excuse that they were aliens and were at war and hence needed the Defence of India Act in our country in spite of universal opposition, the Congress which is in power today in Bengal has no reason, no excuse whatsoever to usher in such a Bill today. I know that the Congress having come to power today in Bengal is facing many difficulties. I know that in trying to ameliorate the conditions of all sections of the people of Bengal, urgent measures—rapid measures—will have to be taken, but Ordinances and such like Acts cannot take the place of rallying—mobilising—the support of the people behind the Government in support of those measures. If there are enemies—and it is unfortunate that today the Congress all of a sudden has started seeing enemies lurking here and there,—if there are really enemies of Congress and they are getting so powerful and violent that the Government wants powers to curb these enemies in order to serve the people, then I say that there is no other measure which can give that support to the Government than the people themselves who have elected the Congress to power today in Bengal and in the whole of India. Instead of seeing hallucinations, instead of creating all sorts of confusion in the people's minds—and I am sorry to say that a miasma is being spread and nothing definite is being told to the people as to who are the enemies, what are they trying to do—in plain and clear language the people must be taken into confidence, the enemies must be named and then the just anger of the people would be roused in defence of the Congress Government for the just measures that the Congress is going to undertake today in Bengal, but the place of that cannot be taken by this kind of law which is no law. That is what the Congress has taught us for the last 50 years, but today all on a sudden as soon as the Congress has come to power, all the professions about democracy are thrown to the wind and this Bill is introduced. It is amazing, Mr. Speaker, Sir, that the Congress leaders have no qualms of conscience in bringing in such a piece of legislation.

Sir, I know the argument which will be trotted out of the nation being in danger. I know that it will be said that in order to benefit the people, the common humanity of Bengal—the *kisans*, the workers, the middle classes—in order to give them food, shelter, clothing, education and health, it is necessary that the Government must assume certain extraordinary powers. But I ask what is the justification for riding rough-shod over all the ordinary laws that exist in India today. Government have sufficient powers with the support of the people—sufficient powers, I say, under the present laws—whereby Government can bring to book any enemy that raises its head against the Congress Government today. But why these special powers are necessary it is impossible to understand.

Mr. Speaker, I of course reserve my right to make further comments on this Bill as I take up the clauses one by one, but before I do that I shall, Mr. Speaker, quote before you from Pandit Jawaharlal Nehru's "Discovery of India" in which he said: "The Civil Service had a reputation chiefly self-propagated for efficiency but it became evident that outside the narrow sphere of work to which they had been accustomed they were helpless and incompetent. They had no training to function democratically"—mark the word "democratically"—"and could not gain the good-will and co-operation of the people whom they both feared and despised. They had no conception of big and fast moving schemes of social progress and could only hamper them by their red tape and lack of imagination." This is what Pandit Nehru said with regard to the I.C.S. in our country, but I

find that this Congress Ministry in having come to power have accepted all that the Civil Service has done for the last so many years. They have been asked to prepare Bills and place them before a popular Minister like the Hon'ble Dr. Ghosh. It is surprising that he will rubber-stamp what has been done for him by the bureaucracy. But I shall not blame only the bureaucracy for this, because Dr. Ghosh knows what he is doing. He knows the evils of such an Act and it is he and leaders like him who have taught the people of Bengal to fight tooth and nail with their lives such dastardly Acts of the British Government when they were in our country. Time after time we have sworn that we shall not descend again to the rule of Sir John Anderson of evil memory. We have hated him, we have in our public speeches, in our meetings, whenever we could, lodged our protest against such Acts when they were passed. But, today, Sir, the agonised people of Bengal in dismay will ask why, why is it necessary when we support the Government, for it to pass such an Act! Why is it necessary for the Government instead of relying on us to trust bureaucracy who have crushed all people's movements.

In asking the Chief Minister to at least circulate this Bill for public opinion, I would ask him, in conclusion, to consider, with all the good intentions that the Chief Minister may have, what the effect of this law is going to be. It will mean not peace and the amelioration of the conditions of the people very rapidly; it will mean that whenever the people ask for rice, whenever they ask for a better means of livelihood and in support hold mass meetings and demonstrations, then somebody inside the bureaucracy or the Ministry will whisper "Here are the people who are going to seize power and therefore they must be crushed" and then all people's movements will be crushed The powers will be used—we have seen that they have been used by Mr. Suhrawardy to destroy people's movements; they will be used again, I am sure, by the bureaucracy of Bengal to crush people's movements. I know that even now under the Special Powers Ordinance workers have been arrested by this Government I know that as in the past even now things like that are going to happen. Today some people came to my house and told me that Srijut Soumendra Nath Tagore has been arrested under the Special Powers Ordinance. So it has already begun. If the Congress cannot put up an accused in the dock and let him face a public trial, if it cannot do this, the Congress has no business to rule. It has sufficient support in the country to be able to do that It has sufficient support in the country to ask the people to give evidence against enemies of the Congress Government today. But unfortunately repression has begun. We know the kind of policy which the Labour Minister, for instance, is following with regard to the labourers in Bengal. Therefore, Mr. Speaker, at least I can ask the Chief Minister to place this Bill before the public for their opinion and then certainly this Bill can be brought in this House. This is not the first time that a popular democratic Government is being asked to elicit public opinion on such a controversial measure which curtails people's liberties. Therefore, Mr Speaker, I repeat once again that it should be placed before the public at least to get their view. If the Congress can convince them that such an Act is necessary, then I shall say—bring it here and let this Act be passed as the public want it.

Shri NIHARENDU DUTT-MAZUMDAR: Mr Speaker, Sir, I would have been very happy if my honourable friend who spoke before me had demonstrated his vehement opposition any time during the period from 1942 to 1945 against extraordinary power and ordinance rules and against all the arbitrary arrests, detentions and incarceration of patriots behind prison bars. Sir, today I do not see what possible objection there can be in arming the present Government with special powers to be used not against patriotic citizens but against enemies or agents, and fifth columnists who might be at large to undermine the security and safety of this realm. (Cries of "Hear, hear" from Government benches.) We know that after two

hundred years of a dark chapter of oppression and tyranny organised on governmental footing the British power has disappeared, but, Sir, we know that there are fifth columnist agents who are out to help them, keep them and maintain them on our soil. We know those elements are there who helped the British Government to win the last war. We know those elements who helped the British power and who have frustrated the victorious advance of the Azad Hind Fouj. If, Sir, those elements are still about in this realm, the present Government, the Government of the day, does indeed need extraordinary powers—I should say far larger powers—in order to curb the nefarious activities that may be afoot.

Sir, there would have been perhaps no need of those powers if people had been well fed, well clothed and if there had been all the conditions of security present and existing today. We have heard my honourable friend talk about people wanting rice but getting something else. May I remind—many honourable members were then present in the House in the year 1942—that Sir, John Herbert of infamous memory on the floor of this House had proclaimed the so-called denial policy with regard to the pinch of food of the people, with regard to organised famine, Mahatma Gandhi had proclaimed opposition to the denial policy; Pandit Jawaharlal Nehru who has been quoted here had also proclaimed opposition to that denial policy

The Congress workers and leaders whose teachings are quoted today—and amongst them was our Prime Minister who sits in this House—courted imprisonment in opposition to the denial policy and in opposition to the infamous British Raj which had been ruling in the most arbitrary fashion in this land. May I ask my honourable friend to pause for a moment and to say honestly with his hand on his chest what was the role that he and his fellows were playing at that time. It was precisely those fellows, Sir, who were helping the British people in their denial policy in denuding the rice in the countryside which paved the way for famine. They were helping the Government in getting foodstuffs from every home For famine criminals we ought to institute a trial and an enquiry—I do not know why the Government will not do it and I hope Government will not assume a grandmotherly attitude but assume the attitude of ruling the country in the interest of a better India, and Government ought to have instituted a tribunal to investigate into the charges against the profiteers about whom Pandit Nehru has proclaimed that for each head of famine death they made a profit of one thousand rupees With that gang of criminals would come those who at that time had aided and abetted the criminal power in occupation of India with their denial policy in depriving the people of their rice stock. We have just now heard about the necessity of a tribunal making open trials. I lend my whole-hearted support to my honourable friend in this matter, and I do hope that Government would agree to institute a tribunal not only to try such people but also to try those who have been guilty of treachery to India and of betraying India's patriotic cause during the years of 1942-45. Sir, may I remind you that if we are to emulate the British model, then we will not hesitate to institute a trial as was done in England where John Amery was tried and convicted and had to pay for his treachery to his country by hanging from the gallows, because the verdict of the people of England was that such people like John Amery were not fit to pollute the soil of England by treading on that soil alive, because the English people remained firm in their determination that Britons shall never be slaves whereas in India two hundred years of slavery made some people think that they could perpetrate any heinous crimes against this country and by deluding the masses with cheap slogans perpetrate that slavery with delusions and deceipt, and then come out as great protagonists of democracy. I only regret that a trial corresponding to the tribunal which tried the criminals in the Brakenville trial was not held in India. It is

the extremely forgiving, disastrously forgiving and the so-called humanitarian outlook of Mahatma Gandhi that has given them freedom and has gone even to harbour those who had gone astray. That has been illustrated by the treatment meted out by Mahatma Gandhi to some of the Prime Ministers who had taken to Direct Action and various other measures. May I remind my honourable friend who has just spoken that it is precisely because of that outlook that many people have escaped a trial today. We know that slavery corrupts a nation and two hundred years of slavery was enough to corrupt the very fibre in the general body of India. It was the few, Sir, who atoned it with their sufferings and sacrifices, even with their lives, in order to redeem the people and infuse a new calibre into them. Only a few weeks of slavery in a country like France had produced that type of people. Only a few weeks of slavery in the Scandinavian and other European countries had produced men whose names have brought a new addition in the dictionary of the English language in the word "Quisling"—men who were known as a criminal band masquerading as political parties.

Let me not take more time of the House, Sir. If we are really to emulate democracy and earn democracy, not with guns and bullets, then we must not emulate the Brakenville method but the democracy of the Congress Government which represents the democracy of India—not through the police but through the tears of the people, the price that they had paid for their country's freedom We have been told a lot of things about the I.C.S. and the Police. They are not discoveries to us. We all know that, but I am sorry to say that there are pseudo-political parties who had out-Heroded Herod during the war, during those dark days of 1942-45. We have had the experience of the August, 1942, days when even ordinary police officials who for their bread were compelled to do things which were not very commendable used to come and inform us about the police tracking the heroes of the August movement—heroes who were called *goondas* by those very people whose voice even today echoes in this House. Even if the police warned us, it was the members of that criminal anti-patriotic bands masquerading as political parties who were trying their level best to hand over the patriots to the police. The voice of those people is now represented as the voice of democracy If that voice of democracy was real, if it was really the voice of Jacob and not the hand of Æsop, we could have expected them to join the Azad Hind Fouz under the banner of Netaji Subhas Chandra Bose, but instead of doing so they condemned them as traitors and now they are masquerading themselves as protagonists of democracy on the floor of this House.

Fortunately, Sir, the Congress has now come to power, but not with that kind of organisation, but, unfortunately, we have to confess to our shame that we have not got the machinery which can overnight change all the officials from the Governor down to the chaukidar and create a new set in their place. If we had, the Congress could have adopted measures to liquidate them. But the Congress is out to give a new example of freedom, a new light and a new teaching under the leadership of Mahatma Gandhi to the whole world. Therefore the Congress has embraced with open arms all and sundry. We have today accepted as part of our nation those who were out to serve the infamous British power in occupation. Those people who for their bread were in the past giving every service to the enemy whom they had been used to serve loyally, have now been given a chance, and the patriots and political workers will see today how to uplift the present dilapidated India where the nation has been reduced into a ramble of ruins. So the Congress will see that out of such people we build up a new nation and a new people. So let us not pour venom as my friend has been doing. Therefore I will say to him, Doctor, heal thyself before healing thy neighbour. That is the only thing I would say to him. I was listening to him with intent attention and I must thank this side of the House that they have shown exemplary toleration in even listening to the voice of

those who echo the political memory of John Amery in England. It was for the same fault that John Amery went to the gallows, but India has given such people an opportunity to redeem themselves and become good citizens as a patriotic section of our democracy. (Applause.)

Mr. ABUL HASHEM: Sir, to be very frank with you I was not at all prepared to speak on this subject, but I regret to say that Mr. Niharendu Dutt-Mazumdar provoked me to speak a few words on this subject. I very much expected that in this first legislature of West Bengal in free India debates and discussions would be of a different kind from what we saw in the past days. Mr. Niharendu Dutt-Mazumdar, I am sorry to say, inflicted on us a speech, an old-fashioned speech, a clap-trap speech, indulging in sentimental and emotional utterances. He, while supporting the Government, indulged mostly in personal attacks on persons who could not agree with the party to which he belongs and belonged in 1944-45. I very much expected that Mr. Dutt-Mazumdar being an able representative of the Ministerial Party would place before us the merits of the measure that Government intend to pass and convince us by his arguments that the House should without opposition accept the measure Instead, he simply spent all his time throwing mud upon others and describing those who did not agree with them as fifth columnists and enemies of the country. I take this opportunity to tell very clearly to Mr. Dutt-Mazumdar and his friends and those who think like him that loyalty to the State is a loyalty that is needed but loyalty to any party—for instance Congress which is one of the many parties now functioning in India and which party fortunately is now in power—loyalty to that party does not mean loyalty to the State. We may have political differences Some in 1944-45 thought that supporting Fascist uprising would destroy India's chance of freedom. They thought that, if the Fascists were destroyed, then circumstances and atmosphere will be created in which India will get her desired objective, independence. Others thought otherwise I do not want to say that those who thought otherwise were wrong or traitors, but history has proved that with the fall of the Fascist forces India has got freedom and independence. So it cannot be said as strongly as Mr Dutt-Mazumdar pretends to say that those who thought that the Fascists should be opposed and reasonable assistance should be given to the Allied powers were traitors

Now, Sir, I think with the attainment of independence we should start creating a complete revolution in our thinking, feeling, action and our very existence It by independence we simply mean the stepping into the shoes of the past administrators and rulers, if by independence we simply mean a change from the White to the Brown, then we think we shall be very much mistaken. In the new context, new circumstances, new atmosphere we must breathe freely What the past Governments, past Ministers, past administrators and rulers did is not very much our concern If we really love freedom and independence, in that case by our action we must prove to the people that we really do so Therefore if ordinances, extraordinary measures or violence, guns and atom bombs have been used in the past for maintaining law and order, it does not go to prove conclusively that in future also these things will have to be used I am not an unqualified believer in the doctrine of non-violence to which creed, I think our present Premier, Dr. Ghosh, owes allegiance and I believe that occasion arises when force has to be used, but today we are living practically by the grace of God in normal circumstances and just we are going to lay the foundation of a prosperous future India.

Now, I do not find any reason whatsoever why extraordinary measures should be taken resort to. Here unless any emergency arises we should proceed normally and instead of ordinances and extraordinary measures against which we have developed so much prejudice and against which we fought and our friends in the Ministerial benches and their leader

Dr. Ghosh courted imprisonment and voluntarily underwent great sufferings—I think he should remember his past days and his friends also should remember their past days and their past views, past action, past thinking and past feelings—on the basis of those things they should create new history.

Sir, after achieving independence people of Bengal and other provinces of India are expecting different things and different treatment, different dealings, different administration, altogether different Government from what we saw in the past. Now, Sir, as I frankly said I was not prepared to speak on the subject and in fact I do not know the details of the Bill, so I cannot say I am opposed to it, but Sir, I would request the gentlemen sitting in the Ministerial benches and the mover of the Bill not to support the Bill in the manner Mr. Mazumdar did. On the contrary I expect that they should place before the House in a quiet manner, without giving any provocations, without attacking anybody and indulging in personal attacks—calling this man a traitor and that man a traitor and always claiming a monopoly of patriotism all by themselves—the merits of the circumstances which forced this Ministry to take this measure, the circumstances which led them to press a measure like this in this House. These should be discussed and talked and instead of attacking others I think argument and reason should be taken resort to and an attempt should be made to convince everyone here about the justice and fairness for accepting this Bill. Otherwise we shall start creating bad blood from now and unnecessarily create disruptions amongst ourselves when unity of purpose is very much needed.

I cannot say, as I am not prepared and have not studied the details of the Bill, that we oppose the Bill but I simply rise, as I said already, to protest against the manner in which the Bill is going to be supported. If there is no merit at all, then people should adopt this method or if the Ministry find that they have nothing to support the Bill on merits, there is no justice and fairness in it, in that case they have got a majority and a party disciplined in that case without a speech they should put it before the House and forcibly get it through But in any case these kinds of provocations and attacks should not be encouraged.

This is what I want to place before you and I draw the attention of Dr. Prafulla Chandra Ghosh and his colleagues that these personal attacks were a past tradition when things were done without justice and fairness, somehow they wanted to get things through by force of majority and simply to throw dust upon public eyes outside the legislature used to indulge in tall talks on democracy. So, Sir, we think he will at least, in whom people have some confidence as sincere and honest patriot—under his leadership the old fashion, the old order will be changed and a new system should be introduced for introducing a Bill, for supporting a Bill and getting a Bill passed.

With these words I beg to support the amendment.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Speaker, Sir, I oppose the amendment which has been moved by my friend Mr. Jyoti Basu for circulation. His whole speech was one of opposition but his amendment was one for circulation whose object also is to defeat the purpose of the whole Bill, so that the Bill may not be effective at all and it may not come before the House at all. Therefore, strictly speaking, this amendment is not an amendment, it is one of opposition. But I do not want to stand on technicalities. I do say I am sincerely sorry that I have got to move this Special Powers Bill. I wished that under the altered circumstances of India after the attainment of freedom everybody had behaved in an orderly and disciplined manner and this Bill would not have been necessary at all, but I am sorry to say that the state of affairs is not such. I am rather ashamed to say that there is a spirit of indiscipline

more or less all round. At the slightest provocation people are in a mood to take law in their own hands. I may tell you from my personal experience that I was asked to preside over a public meeting. I went there and then one speaker got up and said that of the two phases of our struggle one phase is over, *i.e.*, the Britishers have left; the second phase of our struggle is that the Imperialistic, Capitalistic Congress Government must be liquidated Up to that there is nothing wrong in that. I do say that everybody has a right to say "Congress Government Murdabad", but what he said next was this: "We are not wedded to non-violence and we shall even take violent measure to overthrow the Congress Government, if need be." I was presiding over the meeting and he was speaking! I can tell Mr. Jyoti Basu that I have not taken him to the prison house for that speech. So if this sort of attitude continues, I do not know what the Government is to do. I am a strict follower of non-violence. I wish the society had been such that an organised violence of the State would have been altogether unnecessary, and I appeal to my friend to at least persuade his followers to behave in such a way, so that these Acts might not be necessary at all. And I can assure the whole House that the moment I find that these Acts are not necessary, the Acts will be repealed, and not merely that, the Acts will be applied in such a manner that not a single innocent person, at least when it comes to my knowledge, is punished. I shall not stand on technicalities I shall see that justice is done and this law is not applied improperly in any manner But after the attainment of independence many people do not differentiate between independence and licence. Licence cannot be tolerated in the name of independence. I do say with all humility that I almost eat out my heart when I have got to order any police or anybody to shoot people, but I have got to do that. When there are loot and arson, what am I to do? I have got to prevent this loot and arson. I have got to prevent many things Robbery is going on even in Calcutta. There are arms and ammunitions in the hands of many people, both Hindus and Muslims, and I have not yet been able to recover even under the Special Powers Ordinance all these arms and ammunitions. What am I to do? Of course I hang down my head, you may say, in shame, because this is my country and I am a representative of that country.

Sir, a good deal has been said about the past. Even Pandit Jawaharlal Nehru and Mahatmaji have been quoted. I wish these scriptures were not quoted. I can quote chapters and verses against my comrades, but I want to forget the past I want to live in the present and in the future Man is a dynamic and not a static being. So I appeal to him not to press this amendment but to accept my motion. My friends Mr Khuda Bukhsh and, I understand, the Chief Whip Shri Amar Ghose have given notice for referring the Bill to a Select Committee I do say now that I accept the amendment for sending it to the Select Committee. As regards the personnel of the Select Committee, the mover will mention that later. What I am to say now is this that we should all try to bring the country to such a condition, so that these things may be altogether redundant. Mr. Basu has said that the I.C.S. officers are there. They are there. He has quoted the scriptures of Pandit Jawaharlal Nehru. The Government of India of which Pandit Jawaharlal is the head made an agreement with the Secretary of State that the I.C.S. officers should remain. Therefore, it is the Government of India which is responsible for keeping I.C.S officers in Bengal. The I C.S. officers cannot behave in any way they like, because the Prime Minister knows what is going on. I can tell you that the I.C.S. officers will have to act under the orders of this Government. Everything that is done, our Government is responsible for that. If any officer behaves wrongly, he will have to go, but whatever is done is done on behalf of the Government. It is no good blaming the I.C.S. officers. The I.C.S. officers are to carry out orders. They carried out the orders of the past Government and they will carry out orders of the present Government also. If anybody does not carry out orders of the present Government, however high

he may be, he will have to go. *Therefore we must not go into the shibboleth of I.C.S. officers.* It would be better if we forget many slogans of the past and it will be good for the country. Mr. Hashim has appealed to me—I see Mr. Hashim has disappeared—let us forget the past. He has appealed to me but he has not given me an opportunity to appeal to him. He has appealed to me to be generous and see that the country can write on a clean sheet of paper. I would request him to co-operate with us, so that we can write on a clean sheet of paper and make our countrymen prosperous and happy—both Hindus and Muslims. I do not want to rake up the past as to what Mr. Suhrawardy did or what Mr. Siddiqi did. I do not want to rake up that past but I can assure all sections of the House—let us all work together, let us curb the tendencies towards lawlessness and violence and let us curb the tendencies towards bribery. This Bill may be passed into an Act; still I can assure you that this Bill will not be applied to any and every case unless it is absolutely necessary and even then also with mercy and justice and with the background of non-violence of which I am a votary I do believe that non-violence alone can save the world, and democracy alone and not totalitarianism can save the country. I assure Mr. Bose, a democratic exponent of a totalitarian party, that democracy practised properly and not in an indisciplined manner will save the country.

With these words, Sir, I appeal to all my friends to extend their hand of co-operation by which I hope to make the Bill a success, and I oppose the amendment of Mr. Jyoti Basu.

The motion of Mr Jyoti Basu that the West Bengal Special Powers Bill, 1947, be circulated for the purpose of eliciting opinion by the 15th of March, 1948, was then put and lost

Mr. MD. KHUDA BUKHSH: Sir, I beg to move that the West Bengal Special Powers Bill, 1947, be referred to a Select Committee consisting of the folloing members:—

(1) Mr. J. C. Gupta,

(2) Mr. Dhirendra Narayan Mukherji,

(3) Mr. Niharendu Dutt-Mazumdar,

(4) Mr. Bimal Chandra Sinha,

(5) Mr Jyoti Basu,

(6) Mr. G. C D. Wilks,

(7) Mr. Daniel Gomes,

(8) Khan Bahadur Mudassir Hossain,

(9) Mr. Molla Muhammad Abdul Halim, and

(10) The Hon'ble Minister-in-charge of the Home Department.

Sir, I find that my name also appears to have been included in the printed list of the Order Paper. I do not desire or intend that my name should be included.

Shri J. C. GUPTA: It is always the practice to include the mover.

Mr. MD. KHUDA BUKHSH: I am sorry, I was not aware of the procedure.

Sir, it is indeed a very happy augury that there is a realisation in all quarters that the country should not be ruled ordinarily by these extraordinary pieces of legislation known as Ordinances. But Sir,——

Mr. SPEAKER: May I know from the honourable member whether consent has been obtained from the members whose names have been included in the list.

Mr. MD. KHUDA BUKHSH: Sir, as there was no time, this was done in an extreme hurry and I have not been able to ascertain the wishes of the honourable members.

Mr. SPEAKER: Then, I am afraid, your motion falls through.

Shri AMAR KRISHNA GHOSE: Sir, I beg to move that the West Bengal Special Powers Bill, 1947, be referred to a Select Committee consisting of the following members:—

(1) Mr. Kanai Lal De,
(2) Mr. Susil Kumar Banerjee,
(3) Mr. Niharendu Dutt-Mazumdar,
(4) Mr. J. C. Gupta,
(5) Mr. Harendra Nath Dolui,
(6) Mr. Jadabendra Nath Panja,
(7) Mr. Satish Chandra Chakravarty,
(8) Mr. Md. Khuda Bukhsh,
(9) Mr. Molla Mohammad Abdul Halim,
(10) Mr. G. C. D. Wilks, and
(11) The Hon'ble Minister-in-charge of the Home Department,

with instructions to submit their report by the 5th of December, 1947, and that the quorum of the Select Committee be fixed at five.

Mr. MD. KHUDA BUKHSH: Sir, may I be permitted to speak on this amendment?

Mr. SPEAKER: Yes.

Mr. MD. KHUDA BUKHSH: Sir, you have heard and we also have heard the learned speeches tracing the history of the freedom movement in all its diverse aspects. There has been acrimony evident in the House which is regrettable.

Sir, these Ordinances had been the butt of attack from the Opposition whoever constituted the Opposition. I have to admit that the Ordinance, as has been placed before the House, is in most parts a replica of the Ordinance that had to be passed by the House when this side of the House was running the Government.

Shri AMAR KRISHNA GHOSE: That side of the House never ran the Government.

Mr. MD. KHUDA BUKHSH: Well, I mean by that the Muslim League.

Sir, this Bill comprises certain Ordinances which were promulgated by the Government which felt that the Government should arm themselves with sufficiently wide powers of an extraordinary nature to deal with the situations that might be created with the advent of independence, when it did come, and when the country was passing through troublous times. Government could not foresee and it was not expected that any human Government would be able to foresee how the situation would develop after such a momentous occurrence as the transfer of power to the people of India from the foreigners. But now, Sir, I hope you would agree with most of the members who have spoken on this subject that times have changed and we are fast regaining normalcy, and what could have been done without the approval of all the members of the House in times of urgency and emergency may not be done in times of peace. Therefore I feel that instead of opposing the Ordinance, lock, stock and barrel, certain provisions which were of a sweeping nature which gave the Government wide powers but

which Government did not really need in the altered circumstances, should be gone into, debated and discussed, and amendments suggested so that the Bill may be presented to the House in a form that may be acceptable to all shades of opinion in this House. Sir, many a time this side of the House as well as the honourable members on the Government benches had the feeling at the time allotted to us to table amendments, but the Hon'ble the Prime Minister ruled it out on the ground that we are trying to waste the nation's time. I must recall with great sorrow and dismay that it was, to put it very mildly, a very fantastic plea to say that this House has the remotest or any intention at all of wasting the nation's time. I want to assure the Leader of the House that it is farthest from any member of the House to waste the nation's time. We are all here to see that good government is done and that legislation is enacted only for the benefit and uplift of the masses and that all legislative measures are put through with utmost expedition. All the same we cannot surrender our rights as members to be able to scrutinise and digest all the provisions of the Bills and other measures that are brought before this House.

Therefore, Sir, I welcome the Prime Minister's agreement to refer this Bill to a Select Committee.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I accept this amendment.

The motion of Shri A. K. Ghose that the West Bengal Special Powers Bill, 1947, be referred to a Select Committee consisting of the following members:—

(1) Mr. Kanailal De,
(2) Mr. Susil Kumar Banerjee,
(3) Mr. Niharendu Dutt-Mazumdar,
(4) Mr. J. C. Gupta,
(5) Mr. Harendra Nath Dolui,
(6) Mr. Jadabendra Nath Panja,
(7) Mr. Satish Chandra Chakravarty,
(8) Mr. Md. Khuda Bukhsh,
(9) Mr. Molla Mohammad Abdul Halim,
(10) Mr. G. C. D. Wilks, and
(11) the Hon'ble Minister-in-charge of the Home Department,

with instructions to submit their report by the 5th December, 1947, and that the quorum of the Select Committee be fixed at 5, was then put and agreed to.

Shri BIMAL CHANDRA SINHA: May I rise on a point of order, Sir. Perhaps it has escaped your attention to put the original motion to vote. The amendment has been carried, but the original motion has not been put to the vote.

Mr. SPEAKER: When the motion for the Select Committee has been carried, the original motion falls through.

Prayer adjournment.

Mr. MD. KHUDA BUKHSH: Sir, I draw your attention to the letter I gave you in your chamber regarding prayers.

Mr. SPEAKER: You better see me in my chamber when I shall discuss this matter in consultation with the Prime Minister.

Mr. MD. KHUDA BUKHSH: I shall do so certainly, but in the meantime members are going out for prayer and the Opposition benches are thinning.

Mr. SPEAKER: There is an application for adjourning the House for prayer.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: May we not make some arrangement afterwards. At least for today it may do if we adjourn at 4-45. Let us then sit down together and fix some time.

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, the Hon'ble Chief Minister suggests that we should sit down and come to an arrangement. I am afraid, on this matter we cannot come to an arrangement for the simple reason that prayer time cannot wait. We have prayers five times every day and at fixed hours.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: What are those fixed hours?

Mr. MD. KHUDA BUKHSH: Of course, they vary with the variations of the season. I wrote a letter to the Hon'ble Speaker intimating that the House should ordinarily for this session adjourn once at 3-30 for *Asar* prayer and once at 4-50 for *Magrib* prayer.

Mr. SPEAKER: I have received this application.

Shri JYOTI BASU: That has been the usual practice.

Mr. SPEAKER: I adjourn the House today for 15 minutes for *Asar* prayer, subject to any arrangement that may be arrived at.

(The House was then adjourned for 15 minutes.)

(After adjournment.)

GOVERNMENT BILLS.

The West Bengal Disturbed Areas Bill, 1947.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir I beg to introduce the West Bengal Disturbed Areas Bill, 1947.

(Secretary then read the short title of the Bill.)

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to move that the West Bengal Disturbed Areas Bill, 1947, be taken into consideration.

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, on a point of information. This Bill in its ordinance form was applied in the district of Murshidabad on the 17th or 18th, the day the Boundary Commission Award was published. I am not aware whether the Ordinance is still in operation in my district. The Government apprehended that in Murshidabad conditions might arise which might necessitate the use of the provisions of this Ordinance, but my district is quiet and there is no likelihood of any breach of the peace. I am through you asking the Hon'ble Chief Minister if he is aware that the Ordinance has since been recalled from operation in the district of Murshidabad.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Just now how can I give you the information. You yourself coming from Murshidabad do not know and you ask me to give the information here and now. I want notice. I shall give you the information later.

Mr. MAHAMMAD SAYEED MIA: Hon'ble Speaker, Sir, Bengal Disturbed Area Bill সম্বন্ধে আমি কয়েকটী কথা বলা প্রয়োজন মনে করিতেছি। আমরা স্বাধীন ভারত ডোমিনিয়ন রাষ্ট্রের অনুগত ও রাজভক্ত প্রজা হিসাবে সকল প্রকার হাঙ্গামা, আইনভঙ্গ ও শান্তিভঙ্গ ও যথেচ্ছাচারজনক কার্য্যের দমন সর্ব্বান্তঃকরণে সমর্থন করি।

ইতিপূর্ব্বে কলিকাতা ও অন্যান্য স্থানে যেরূপ ভীষন হাঙ্গামা ও শোচনীয় হত্যাকান্ড হইয়াছে তাহাতে উহার বিহিত প্রতিকারের জন্য উক্ত বিল পাস হওয়ার প্রয়োজনীয়তা আছে। কিন্তু দেশের বর্ত্তমান শান্ত আবহাওয়ার মধ্যে উক্ত আইনের অপপ্রয়োগে পুলিসকে প্রদত্ত ক্ষমতার অপব্যবহার হওয়ার যথেষ্ট আশঙ্কা রহিয়াছে। দেশের বিভিন্ন অঞ্চলে অস্ত্রধারী পুলিস রাখা ও কোন কোন স্থানকে disturbed area বলিয়া ঘোষণা করার সুযোগ লইয়া এক শ্রেনীর দুষ্ট বুদ্ধির ও উগ্র প্রকৃতির লোকেরা নিরীহ ও অসাবধান গ্রামবাসীকে পুলিসের সম্মুখীন করিয়া ও গুলী খাওয়াইয়া তাহাদেরকে আতঙ্কিত ও ক্ষতিগ্রস্ত করার জন্য কৌশলে শান্তিভঙ্গের কারণ ঘটাইতেছে এবং কোন কোন স্থানে এরূপ দুর্ঘটনা ঘটার পর পুলিসের এক তরফা রিপোর্টের উপর নির্ভর করিয়াই বহু নির্দ্দোষ লোককে অন্যায়ভাবে ধরপাকড় ও মারধর, চালান ও দীর্ঘ হাজৎবাস করান হইতেছে। জনসাধারণের ন্যায্য ও প্রকৃত অভিযোগ থাকিলেও তাহা কর্ত্তৃপক্ষগণের গোচরীভূত করার কোন উপায় রাখা বা সুযোগ দেওয়া হয় নাই। দুষ্টের দমন ও শিষ্টের পালন করাই যখন গভর্ণমেন্টের লক্ষ্য তখন সকল প্রকার আইন-ভঙ্গকারিগণকে আইন দ্বারা দমন ও শাস্তিদান করার সঙ্গে সঙ্গে পুলিসের ক্ষমতা, অপব্যবহার ও যথেচ্ছা-চারিতা সম্বন্ধে বিহিত তদন্তের ব্যবস্থা করা ও নিরপরাধ ও শান্তিকামী জনসাধারণ যাহাতে অনর্থক পুলিসের দ্বারা ও আইনের দ্বারা অত্যাচারিত ও বিপন্ন না হয় তাহারও উপায় করা ও জেলা কর্ত্তৃ-পক্ষগণকে তদনুযায়ী নির্দ্দেশ দেওয়া গভর্ণমেন্টের নিতান্ত প্রয়োজন। কারণ বর্ত্তমানে বিভিন্ন সম্প্রদায়ের মধ্যে যেরূপ অবিশ্বাসের ভাব বর্ত্তমান রহিয়াছে তাহাতে পুলিসের এক তরফা রিপোর্টের উপর নির্ভর করা নিরাপদ নহে। আশা করি আমাদের জনপ্রিয় প্রধান মন্ত্রী মহোদয় শান্তিকামী জনসাধারণকে আইনের অপব্যবহার হইতে রক্ষা করিবার সুব্যবস্থা করিয়া দেশবাশীর কৃতজ্ঞতাভাজন হইবেন।

The motion of the Hon'ble Dr. Prafulla Chandra Ghosh that the West Bengal Disturbed Areas Bill, 1947, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 stand part of the Bill was then put and agreed to.

Preamble.

The question that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to move that the West Bengal Disturbed Areas Bill, 1947, as settled in the Assembly, be passed.

The motion was put and agreed to.

The West Bengal Special Powers (Second Amendment) Bill, 1947.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to introduce the West Bengal Special Powers (Second Amendment) Bill, 1947.

Mr. SPEAKER: May I know from the mover of the motion as to whether the provisions of this Bill are to be consolidated with the West Bengal Special powers Bill or do you want to continue this Bill?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I want that this Bill also be referred to a Select Committee

(Secretary then read the short title of the Bill.)

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to move that the West Bengal Special Powers (Second Amendment) Bill, 1947, be taken into consideration.

Shri A. K. GHOSE: Sir, I beg to move by way of amendment that the West Bengal Special Powers (Second Amendment) Bill, 1947, be referred to the same Select Committee consisting of—

(1) Mr. Kanai Lal De,

(2) Mr. Susil Kumar Banerjee,

(3) Mr. Niharendu Dutt-Mazumdar,

(4) Mr. J. C. Gupta,

(5) Mr. Harendra Nath Dolui,

(6) Mr. Jadabendra Nath Panja,

(7) Mr. Satish Chandra Chakravarty,

(8) Mr. Md. Khuda Bukhsh,

(9) Mr. Molla Mohammad Abdul Halim,

(10) Mr. G. C. D. Wilks, and

(11) the Hon'ble Minister-in-charge of the Home Department,

with instructions to report by the 5th of December, 1947, and that the quorum of the Select Committee be fixed at five.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I accept that amendment.

The motion of Shri A. K. Ghose that the West Bengal Special Powers (Second Amendment) Bill, 1947, be referred to the same Select Committee consisting of—

(1) Mr. Kanai Lal De,

(2) Mr. Susil Kumar Banerjee,

(3) Mr. Niharendu Dutt-Mazumdar,

(4) Mr. J. C. Gupta,

(5) Mr. Harendra Nath Dolui,

(6) Mr. Jadabendra Nath Panja,

(7) Mr. Satish Chandra Chakravarty,

(8) Mr. Md. Khuda Bukhsh,

(9) Mr. Molla Mohammad Abdul Halim,

(10) Mr. G. C. D. Wilks, and

(11) the Hon'ble Minister-in-charge of the Home Department,

with instructions to report by the 5th of December, 1947, and that the quorum of the Select Committee be fixed at five, was then put and agreed to.

The Bengal Public Demands Recovery (West Bengal Amendment) Bill, 1947.

The Hon'ble Shri KALIPADA MOOKERJEE: Mr. Speaker, Sir, I beg to introduce the Bengal Public Demands Recovery (West Bengal Amendment) Bill, 1947.

(Secretary then read the short title of the Bill.)

The Hon'ble Shri KALIPADA MOOKERJEE: Sir, I beg to move that the Bengal Public Demands Recovery (West Bengal Amendment) Bill, 1947, be taken into consideration.

Sir, in this connection I would like to make a few observations. It is a very short Bill which seeks to amend the provisions of the Bengal Public Demands Recovery Act, 1913, in respect of two small matters for administrative convenience. Under the existing provisions of the Act any requisition for certificates filed by a liquidator is required to be countersigned by the Registrar of Co-operative Societies, and this causes unnecessary delay in the filing of such certificates. Moreover, under the Bengal Co-operative Societies Act, 1940, the liquidator has been authorised to file such certificates direct to the Court of the Certificate Officer. It is therefore necessary that there should be a consequential amendment of section 5 of the Public Demands Recovery Act bringing it in line with the provisions of the Co-operative Societies Act. Article 9, Schedule I of the Public Demands Recovery Act, is also proposed to be amended in order to facilitate the realisation of the seed loans advanced by Government to cultivators during the last few years in connection with the Grow More Food campaign. There is an outstanding demand of about one lakh maunds of seed loans, and difficulties are being experienced in enforcing realisation of the arrear demand from wilful defaulters. In order to avoid delay in distribution of loans, the bonds executed by the cultivators were not registered. As such the amounts cannot be recovered under the existing provisions of the Public Demands Recovery Act. The only legal process available for recovery of these loans is a civil suit which involves much delay and expenditure, and is unsuitable for realisation of Government dues. It is therefore proposed to amend the schedule of public demands so as to bring these loans within the category of public demands.

I hope, Sir, the House will accept my motion without any opposition.

The motion of the Hon'ble Shri Kalipada Mookerjee that the Bengal Public Demands Recovery (West Bengal Amendment) Bill, 1947, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Preamble.

The question that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Shri KALIPADA MOOKERJEE: Sir, I beg to move that the Bengal Public Demands Recovery (West Bengal Amendment) Bill, 1947, as settled in the Assembly, be passed.

The motion was put and agreed to.

Adjournment.

The House was then adjourned at 4-37 p.m. till 3-45 p.m. on Monday, the 8th December, 1947, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 8th December, 1947, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Shri ISWAR DAS JALAN) in the Chair, 9 Hon'ble Ministers and 54 members.

Policemen in the Assembly compound.

Shri JYOTI BASU: Mr. Speaker, I find on entering the Assembly today that there are hundreds of armed policemen and some Intelligence Branch people. I do not know whether we are living in a Police State. What is the reason for this? Have they come here with your permission and what is the reason for the armed police being here in a free Assembly?

Mr. SPEAKER: They have come with my permission and in order to prevent entrance into the House.

Shri JYOTI BASU: By whom—who are entering the House? Do we need armed policemen in order to prevent entrance into the House?

Mr. SPEAKER: It is the duty of the police to protect the House and in performance of their duty, they are here.

STARRED QUESTIONS

(to which oral answers were given)

Maintenance of District Board roads scheduled to be taken up as National or Provincial Highways.

***1. Shri BIMAL CHANDRA SINHA:** (*a*) Will the Hon'ble Minister in charge of the Works and Buildings Department be pleased to state whether it is a fact—

(*i*) that the roads scheduled to be taken up as National Highways or Provincial Highways are being neglected by the district boards and other local authorities and have, as a result, fallen into disrepair;

(*ii*) that Government have not yet taken over these roads, nor have arranged for their proper maintenance; and

(*iii*) that the holding-up of the distribution of the proceeds of the Motor Vehicles Tax Fund has been one of the handicaps which has hampered the district boards in their road repair work?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government propose to take over immediately the roads notified to be taken up as National and Provincial Highways?

(*c*) If the reply to (*b*) is in the negative, what steps do the Government propose to take to keep the roads in working condition throughout the year?

MINISTER in charge of the WORKS and BUILDINGS DEPARTMENT (the Hon'ble Shri Bhupati Majumdar): (*a*)(*i*) Yes, in many cases.

(*ii*) No. Government have taken up for improvement under the Development Programme, and are maintaining a certain mileage of roads which are classified as National Highways or Provincial *Highways*.

(*iii*) Yes, but not a major one.

(*b*) Government are seriously considering the question of taking over for maintenance all roads which were improved from Defence Budget during the last war and which are included in the Post War Road Development plan of this Province.

(*c*) An *ad hoc* grant of Rs. 10 lakhs has been sanctioned to district boards for urgent repairs to their roads during the current financial year.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if there is any difference between the roads scheduled as National Highways or Provincial Highways and the roads mentioned in answer (*a*)(*ii*), *viz.*, roads taken up for improvement under the Development Programme?

The Hon'ble Shri BHUPATI MAJUMDAR: National Highways are maintained by the India Government—we maintain on behalf of the India Government and the Provincial Highways are maintained out of the funds of the Provincial Government.

Shri BIMAL CHANDRA SINHA: Mr. Speaker, my question was not that. I asked whether the roads scheduled to be taken up as National Highways or Provincial Highways have been taken up by the Government. The Hon'ble Minister says "No". That means, the roads scheduled to be taken up as National Highways and Provincial Highways have not been taken up. Then he goes on to say that Government have taken up certain roads for improvement under the Development Programme. My question is whether the Development Programme does not include or does include the National Highways and the Provincial Highways.

The Hon'ble Shri BHUPATI MAJUMDAR: I want notice.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether it is a fact that certain mileage of roads classified as National Highways and Provincial Highways have been included in the Development Programme and they are now being maintained by the Government?

The Hon'ble Shri BHUPATI MAJUMDAR: Yes. We have now taken over to repair and maintain Barasat-Jagulia road—19 miles, Bankura-Chuchuria road—14 miles, Bansa-Chuchuria road—23 miles, and Diamond Harbour-Kakdwip road—27 miles.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state what percentage the total of these roads form to the National Highways included in the Development Programme?

The Hon'ble Shri BHUPATI MAJUMDAR: I want notice.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether the roads which were improved from the Defence Budget during the last war have all been included in the Development Programme as National Highways, Provincial Highways, or major district roads?

The Hon'ble Shri BHUPATI MAJUMDAR: I want notice.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state on what principles this *ad hoc* grant of Rs. 10 lakhs has been made?

The Hon'ble Shri BHUPATI MAJUMDAR: Just to help the district boards to get over their present difficulties.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state on what basis this *ad hoc* grant of Rs. 10 lakhs has been allotted to the different district boards?

The Hon'ble Shri BHUPATI MAJUMDAR: According to the mileage of different districts.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether municipalities have been excluded from the benefit of the Motor Vehicles Tax Fund?

The Hon'ble Shri BHUPATI MAJUMDAR: Municipalities will be given grants from other sources.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if Government are considering the necessity of supplying road materials and road-making materials to the district boards?

The Hon'ble Shri BHUPATI MAJUMDAR: It is very difficult at the present moment to say that.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is not a fact that in the absence of road materials and road-making materials, mere grant of *ad hoc* grants would be of no benefit?

The Hon'ble Shri BHUPATI MAJUMDAR: It would be of some benefit

Shri RADHA NATH DAS: Will the Hon'ble Minister be pleased to state whether the old Benares Road in the district of Hooghly has been taken into consideration in this connection?

The Hon'ble Shri BHUPATI MAJUMDAR: Government is considering whether it would take it up or not. There was a talk of National Highways running parallel to that road. That was why Government could not proceed with the maintenance of the road or making it *pucca*, but now there is a talk of having the National Highways ending near Bally Bridge. So, Government will be in a position to take up the old Benares Road and maintain it.

Shri ANANDILAL PODDAR: In reply to question *(a)(iii)*, the Hon'ble Minister has said "Yes, but not a major one". Then, Sir, what, according to the Hon'ble Minister, is a major handicap for the district boards in their road repair work?

The Hon'ble Shri BHUPATI MAJUMDAR: The motor vehicles tax is just a part of a grant which is generally not a grant for repair work. This was a supplementary grant for original work The district boards should maintain roads from their road cess fund and other funds.

Sri ANANDILAL PODDAR: Will the Hon'ble Minister be pleased to state what attempts are being made by Government to see that the district boards do repair the roads from the funds from which they are expected to repair the roads?

The Hon'ble Shri BHUPATI MAJUMDAR: Now a special grant has been made and it is expected that they will do it.

Shri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Government's road development programme includes the development of the roads in the eastern border of the province?

The Hon'ble Shri BHUPATI MAJUMDAR: Yes.

Shri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what priority has been given to that work?

The Hon'ble Shri BHUPATI MAJUMDAR: In some cases priority has been given.

Shri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what considerations determine giving priority to such roads as the answer is, in some cases priority has been given?

The Hon'ble Shri BHUPATI MAJUMDAR: The roads, say, in Dinajpur which is a surplus district are to be taken up first. Some priority has been given to the Malda district where there is no connection with other districts.

Shri NIHARENDU DUTT-MAZUMDAR: With reference to answer (*c*) that an *ad hoc* grant of Rs. 10 lakhs has been sanctioned to district boards for urgent repairs to their roads during the current financial year, has Government made any arrangement on its own part for actual supervision to find out whether this money is being properly utilised and the roads are kept in proper order of repair?

The Hon'ble Shri BHUPATI MAJUMDAR: It is left to the authorities of the district boards.

Mr. MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state how much out of this Rs. 10 lakhs has gone to the Murshidabad district board?

The Hon'ble Shri BHUPATI MAJUMDAR: I want notice, but the idea is that according to the mileage of road, they will get

Mr. ABDUR RAHMAN SIDDIQI: The Hon'ble Minister was good enough to say that priority will be given to this or that. Will he kindly tell the House the basis of this choice of priority?

The Hon'ble Shri BHUPATI MAJUMDAR: I want notice.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that some district boards are unwilling to hand over roads to the Government which have been scheduled as Provincial and National Highways?

The Hon'ble Shri BHUPATI MAJUMDAR: Well, the district boards are not very eager to hand over the roads.

Shri BIMAL CHANDRA SINHA: Is it a fact that the Murshidabad district board is not willing to hand over the Kandi-Radharghat Road in this way?

The Hon'ble Shri BHUPATI MAJUMDAR: I want notice.

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble Minister kindly tell the House whether these repairs to the roads have priority only in cases where they are broken up and not serving the public satisfactorily?

The Hon'ble Shri BHUPATI MAJUMDAR: That is one of the considerations.

Mr. ABDUR RAHMAN SIDDIQUI: What are the other considerations?

The Hon'ble Shri BHUPATI MAJUMDAR: There are many other considerations.

Mr. ABDUR RAHMAN SIDDIQI: Will you kindly mention one or two?

The Hon'ble Shri BHUPATI MAJUMDAR: Procurement of surplus food is one.

Mr. MAHAMMAD SAYEED MIA: Will the Hon'ble Minister be pleased to state why only a small amount of Rs. 10,000 has been allotted to Malda out of Rs. 10 lakhs?

The Hon'ble Shri BHUPATI MAJUMDAR: That depends on the mileage of the district.

Mr. MAHAMMAD SAYEED MIA: Is this not a very small amount—Rs. 10,000 to Malda?

The Hon'ble Shri BHUPATI MAJUMDAR: That is a matter of opinion.

Arrest of Mr. Soumyendra Nath Tagore.

***2. Shri JYOTI BASU:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that Mr. Soumyendra Nath Tagore has been arrested by the police?

(*b*) If so, will the Hon'ble Minister be pleased to state under what law and on what charge or charges Mr. Tagore has been arrested?

(*c*) Does the Hon'ble Minister propose to send him for trial?

(*d*) Is the Hon'ble Minister aware that detention without trial is contrary to the declared policy of the Indian National Congress?

(*e*) If so, does the Hon'ble Minister contemplate setting him free and putting an end to detention without trial?

MINISTER in sharge of the HOME DEPARTMENT (the Hon'ble Dr. Prafulla Chandra Ghosh): (*a*) Yes.

(*b*) He has been arrested and detained under section 18 of the Bengal Special Powers Ordinance, 1946, for acting in a manner prejudicial to the public safety.

(*c*) No question of trial arises as there is no provision for it under the law under which he has been arrested. His arrest and detention are preventive measures as there are plenty of materials in the possession of Government to show that he and some members of his party have been acting or are about to act in a manner prejudicial to the safety of the State.

(*d*) What is the policy of the Indian National Congress is not a subject-matter for discussion here, but I may inform the Hon'ble Member that some other Provincial Governments have passed similar Acts and the Constituent Assembly in its meeting on 22nd August, 1947, accepted the principle of preventive detention for reasons of State.

(*e*) Does not arise.

Shri JYOTI BASU: With regard to answer (*a*), was the Hon'ble Minister informed of the arrest after the arrest or before the arrest?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I passed the order for arrest.

Shri JYOTI BASU: In answer (*c*) the Hon'ble Minister has stated that there are plenty of materials in the possession of Government to show that he and some members of his party have been acting or are about to act in a manner prejudicial to the safety of the State. If that is so, then why are not these evidence sufficient or trustworthy enough to be placed before a court of law?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: For reasons of State.

Shri JYOTI BASU: What is the answer, Sir.

Mr. SPEAKER: The Hon'ble Minister has said "for reasons of State".

Shri JYOTI BASU: For reasons of State what? Sir, I do not think my question has been understood.

Mr. SPEAKER: That means he does not want to say for reasons of State.

Shri JYOTI BASU: Sir, I may be permitted to make myself clear. Here it is said, mark the language, "there are plenty of materials in the possession of Government". I said "could not some of these materials be placed before an open court of law by a popular Government?"

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: It is in the interests of the State that these materials should not be placed before the court.

Shri JYOTI BASU: Will the Hon'ble Minister be pleased to state as to who supplied the Hon'ble Minister with these materials?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: The usual agency.

Shri JYOTI BASU: Will the Hon'ble Minister be pleased to state who are these usual agencies? Now that a popular Government have come into being, we would like to know this.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Usual agencies in every Government everywhere in the world and in this country also as in other provinces.

Shri JYOTI BASU: Are they the C.I.D.?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I say they are the usual Government agencies.

Shri NIHARENDU DUTT-MAZUMDAR: With reference to his answer that he passed orders for the arrest, will the Hon'ble Minister be pleased to state whether, in passing orders, he acted merely on reports received or did he personally take precaution to satisfy himself that there were grounds for justifying such an arrest?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I had personally satisfied myself that there were justifiable grounds for the arrest.

Shri NIHARENDU DUTT-MAZUMDAR: In taking such a decision and passing such an order, a grave step was taken so far as liberty of a citizen of free India was at stake. With that in view did he make all necessary enquiries in order to satisfy himself in this connection?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Yes; I did as far as possible.

Shri JYOTI BASU: With reference to answer (*d*), viz., "some other Provincial Governments have passed similar Acts", etc., will the Hon'ble Minister be pleased to state whether these Governments acted according to the election manifesto of the Congress or according to the proclaimed policy of the Congress for the last 40 years?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: This is irrelevant here.

Shri JYOTI BASU: Mr. Speaker, Sir, I would request you to say whether this question is irrelevant. The answer to the original question is "some other provincial Governments have passed similar Acts, etc.". My question was "if the Hon'ble Minister is aware that detention without trial is contrary to the declared policy of the Indian National Congress". The answer has been given as stated above. And, therefore, I would like to know whether these Governments have acted according to the proclaimed policy of the Congress for the last 40 years.

Mr. SPEAKER: *It is for the Hon'ble Minister to give the answer. He has said that it is irrelevant.*

Shaik MUHAMMAD RAFIQUE: Will the Hon'ble Minister be pleased to state whether persons detained under this Ordinance are made to work in the jail?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: At least as far as I know "no". He has been put in Division I and I do not think he has to work.

Shaik MUHAMMAD RAFIQUE: My question is whether persons arrested under Bengal Special Powers Ordinance, 1946, are made to work in the jail?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I want notice. I shall enquire and let you know.

Shri JYOTI BASU: With reference to answer (*d*) when the Hon'ble Minister says that the Constituent Assembly had accepted the principle of preventive detention for reasons of State, is he aware that in the fundamental objectives cited by Pandit Jawaharlal Nehru rights of citizens have been guaranteed, and is he aware also as to the conditions under which the principle of such preventive detention has been accepted by the Constituent Assembly?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I am afraid that is an argument and not a question.

Shri JYOTI BASU: Sir, the Hon'ble Minister refuses to answer my question; it is amazing.

Mr. SPEAKER: I cannot compel him if he does not want to do so.

Mr. MD. KHUDA BUKHSH: The Hon'ble the Prime Minister has, since the promulgation of the Ordinance when it was presented to the House in the form of a Bill, told the country that this Ordinance will be limited to four things, namely, suppression of goondas, possession of illegal arms, communal riots, and public safety. Now, Sir, I want to ask this question to the Hon'ble Minister, Home Department, "can he justify the arrest of Mr. Soumyendra Nath Tagore?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Yes.

Shri SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how many others have been arrested of that party since the arrest of Mr. Soumyendra Nath Tagore?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I have signed orders about three and I saw in the press that in mufassal areas some have been arrested but I have not yet received papers about them.

Shri JYOTI BASU: With reference to the answer which has been given just now by the Prime Minister that he has not received the papers of some other members of the party, is he aware that only a few days back he said that without the sanction of the Prime Minister such preventive detention would not take place?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: That is not correct. Up to 15 days the police can arrest and keep in detention and within that period the papers must come to me so that I may go through the papers.

Shri JYOTI BASU: Will the Hon'ble Minister be pleased to state whether the Hon'ble Minister has decided to call for the papers of such persons first and then have them arrested or whether the police are going to arrest first and then send on the papers to the Prime Minister?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: In certain cases the police can do it first and then present the papers to me.

Shri SIBNATH BANERJEE: With reference to his answer (c) that no question of trial arises as there is no provision for it under the law under which he has been arrested, granting that it is so, is there anything preventing the Hon'ble the Prime Minister to put Mr. Soumyendra Nath Tagore on trial? Under the provisions of this Ordinance there is none, but is there anything which is preventing him from putting him on trial?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I have already answered that.

Shri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that Mr. Soumyendra Nath Tagore was collecting arms or doing anything that falls within the category of the Special Powers Ordinance?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSE: I am not ready to disclose the facts in the interests of the State.

Shri SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to call a secret session of the Assembly and tell us what led him to sign the warrant of arrest of Mr. Soumyendra Nath Tagore?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I am not prepared to do that at least at this stage.

Shri JYOTI BASU: At what stage will he be prepared to do it?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: It will depend on the circumstances.

Shri SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how long is the detention likely to continue?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: As long as it is necessary in the interests of the State.

Shri SIBNATH BANERJEE: Is not that reply very vague? Let us know whether it is one year, two years, three years or ten years—a definite period.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: If you read the original Bill you will find that the period is two years and in the Bill that has come out of the Select Committee it is one year. Even after that if you pass a resolution you can amend it.

Mr. SPEAKER: I do not think you can refer to the Select Committee report until it is presented to the House.

Shri SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to reconsider the step of detaining without trial and not facing the trial even with sufficient materials in his possession because of the sense of insecurity that is prevailing now amongst the people of Bengal including the members of this House?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I am afraid I cannot reconsider that at this stage in the interest of the State.

GOVERNMENT BILLS.

The West Bengal Criminal Law Amendment Bill, 1947.

The Hon'ble Shri KALIPADA MOOKERJEE: Sir, I beg to present the report of the Select Committee on the West Bengal Criminal Law Amendment Bill, 1947.

The Calcutta Municipal (Amendment) Bill, 1947.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to present the report of the Select Committee on the Calcutta Municipal (Amendment) Bill, 1947.

The West Bengal Special Powers Bill, 1947.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to present the report of the Select Committee on the West Bengal Special Powers Bill, 1947.

The West Bengal Special Powers (Second Amendment) Bill, 1947.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I do not want to present the report of the Select Committee on this Bill as that is covered by the previous one.

Mr. SPEAKER: No, the Hon'ble Minister should present it also.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: All right, Sir. I beg to present the report of the Select Committee on the West Bengal Special Powers (Second Amendment) Bill, 1947.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, 1947.

The Hon'ble Shri KALIPADA MOOKERJEE: Sir, I beg to introduce the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1947.

(Secretary then read the short title of the Bill.)

The Hon'ble Shri KALIPADA MOOKERJEE: Sir, I beg to move that the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1947, be referred to a Select Committee consisting of—

(1) Mr. J. C. Gupta,
(2) Mr. Satish Chandra Bose,
(3) Mr. Bimal Comar Ghose,
(4) Mr. Sushil Kumar Banerjee,
(5) Mr. Kuber Chand Haldar,
(6) Mr. Basant Lal Murarka,
(7) Mr. Muhammad Rafique,
(8) Mr. Md. Khuda Bukhsh, and
(9) the Hon'ble Minister in charge of the Department of Land and Land Revenue (the mover),

with instructions to submit their report by the 15th January, 1948, and that the number of members whose presence shall be necessary to constitute a quorum, shall be five.

Shri A. K. GHOSE: Sir, may I move an amendment to the motion for Select Committee?

Mr. SPEAKER: Yes.

Shri A. K. GHOSE: Sir, I beg to move that the names of Mr. Hemanta Kumar Basu and Mr. Anandilal Poddar be added to the list of members on the Select Committee proposed by the Hon'ble Minister.

The Hon'ble Shri KALIPADA MOOKERJEE: Sir, I accept the amendment moved by Mr. A. K. Ghose.

Mr. ABDUR RAHMAN SIDDIQI: May I rise on a point of order, Sir? Have these two names been added with the consent of the honourable members concerned?

Mr. SPEAKER: Consent has been given.

Mr. MD. KHUDA BUKHSH: Sir, may I move another amendment that another name be added to the list from our side of the House, now that the number of members of the Select Committee has been increased from nine to eleven.

Mr. SPEAKER: Yes.

Mr. MD. KHUDA BUKHSH: I move that the name of Mr. A. F. M. Abdur Rahman be included in the list of personnel of the Select Committee. I have got his consent.

The Hon'ble Shri KALIPADA MOOKERJEE: Sir, I accept the name proposed by Mr. Khuda Bukhsh.

The motion of the Hon'ble Shri Kalipada Mookerjee, as amended, that the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1947, be referred to a Select Committee consisting of—

(1) Mr. J. C. Gupta,

(2) Mr. Satish Chandra Bose,

(3) Mr. Bimal Comar Ghose,

(4) Mr. Sushil Kumar Banerjee,

(5) Mr. Kuber Chand Haldar,

(6) Mr. Basant Lal Murarka,

(7) Mr. Md. Rafique,

(8) Mr. Md. Khuda Bukhsh,

(9) Mr. Hemanta Kumar Basu,

(10) Mr. Anandilal Poddar,

(11) Mr. A. F. M. Abdur Rahman, and

(12) the Hon'ble Minister in charge of the Department of Land and Land Revenue (the mover),

with instructions to submit their report by the 15th January, 1948, and that the number of members whose presence shall be necessary to constitute a quorum, shall be five, was then put and agreed to.

The Bengal Municipal (West Bengal Amendment) Bill, 1947.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to introduce the Bengal Municipal (West Bengal Amendment) Bill, 1947.

(Secretary then read the short title of the Bill.)

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to move that the Bengal Municipal (West Bengal Amendment) Bill, 1947, be taken into consideration.

Shri BIMAL CHANDRA SINHA: Mr. Speaker, may I rise to say a few words on the provisions of this Bill. So far as I have been able to gather, this Bill wants to do away with nomination. But, Sir, one point has to be raised in this connection. There are certain special municipalities where the nominated element predominated up to the extent, in some cases, of 50 per cent., and those municipalities will have very great handicap from the principle that has been enunciated in this Bill. So, I would beg of the Government to consider the difficulties those municipalities are likely to suffer from.

Secondly, there is another provision in this Bill that the term of the municipalities is likely to be extended for three or four years even after nomination has been abolished. In many cases, Sir, many special interests, such as Scheduled Castes and such other interests, were represented by nomination. In those cases where elections have taken place long ago and fresh elections are due, I think, it would be hardly fair to extend their term for another three or four years or to allow them to run the normal term of office. In those cases, Sir, I think it should be the duty of the Government to order fresh elections as early as possible.

These two points should be considered before the Bill is passed into an Act. I beg of the Government to take into consideration these two points, specially in view of the fact that in many of the municipalities elections have not taken place for a very long time, and even where elections have taken place persons belonging to the minority communities and to the Scheduled Castes had not the inkling of an idea that they would not be able to come through nomination any more. So I think these two points should have adequate consideration at the hands of the Government before this Bill is made an Act.

With these observations, Sir, I would suggest to the Hon'ble Minister to make any suggestions which may cover these two points.

Shri SIBNATH BANERJEE: Mr. Speaker, Sir, I would also like to make two observations. Abolition of nomination is very welcome, of course subject to the comments made by my friend Mr. Bimal Chandra Sinha. But there are two other very objectionable features; one is that voting in most cases is not by ballot. Where it is not so, it must be by ballot and the second is, the voting is not by symbol—in one or two cases it is by symbol. Mostly the illiterate voters come and somebody's name is mentioned by the voter but the cross is given against somebody else's name according to the Polling Officer's choice. Therefore if it is voting by symbol as it is in the case of the Assembly, much of the corruption in the municipal election will go.

A third point also may be mentioned just now. Often in the municipal elections the Municipal Chairman or some other office bearers of the executive heads are the returning officers That system is net helpful.

Therefore, these three points may be considered when the Act is being amended. It is long overdue. We tried in the past to get this amendment through. It was not possible then for reasons known to all present, but now is the time to make the corrections which are overdue.

Shri SUKUMAR DUTTA: মাননীয় সভাপতি মহোদয়—এই সুযোগে আমি মাননীয় মন্ত্রীমহোদয়ের কাছে নিবেদন করছি যে হুগলী District Board এ প্রায় ১২ বৎসর যাবত নির্ব্বাচন হয়নি।

Mr. MUDASSIR HOSSAIN: Sir, I want to speak. The provision which has been made for elimination of the nominated members may sound democratic but this is democracy with a vengeance. When there was the law that a certain proportion of members will be elected there was the law that a certain proportion of members will be nominated. Now, what are the principles on which this system of nomination was based? As was pointed out by my friend, the principle was that the persons who were not represented or the interests which were not represented were nominated by the Government so that their services might be obtained, but, Sir, if you really abolish nomination and restrict the working of the municipality or the board with the limited number of members, you do great injustice to the people and thus your act will be undemocratic for if you really want to do away with the system of nomination you must divide the entire area into several constituencies and then you must give the right of election to the interests which are not represented. Therefore, Sir, I oppose the very principle of the Bill and I say with all the emphasis I can command that

it is the most undemocratic principle on which nomination is going to be abolished and the people are being deprived of their rights of franchise. If you are really serious in the matter, your first duty will be to see that the area for which or the people for whom these representatives were nominated by the Government are given representation by election after dismissing these nominated members. Therefore, Sir, I wish to draw the pointed attention of the Hon'ble Minister and the House that it is a most undemocratic principle, and if we are really to give representation by election and if we really wish to direct our energies towards the realisation of democratic views, then we must divide the entire area into so many constituencies as there are number of members who were nominated and then allow that constituency to elect their own members instead of getting the services of such persons by nomination.

Therefore, Sir, I oppose the Bill and the Bill, I think, should be dropped.

The motion of the Hon'ble Shri Annada Prosad Choudhury that the Bengal Municipal (West Bengal Amendment) Bill, 1947, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Shri AMAR KRISHNA GHOSE: Sir, I beg to move that in clause 2(*a*) in the proposed amendment of section 16, line 6, the figure "16" be omitted.

The motion was then put and agreed to.

The question that clause 2, as amended, stand part of the Bill, was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill, was then put and agreed to.

Clause 4.

Shri AMAR KRISHNA GHOSE: Sir, I beg to move that in clause 4 in the proposed amendment of section 18(2), line 6, for the word "concerned" the words "concerned in" be substituted.

The motion was then put and agreed to.

The question that clause 4, as amended, stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 stand part of the Bill, was then put and agreed to.

Clause 6.

The question that clause 6 stand part of the Bill, was then put and agreed to.

Clause 7.

The question that clause 7 stand part of the Bill, was then put and agreed to.

Clause 8.

The question that clause 8 stand part of the Bill, was then put and agreed to.

Clause 9.

The question that clause 9 stand part of the Bill, was then put and agreed to.

Clause 10.

The question that clause 10 stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 stand part of the Bill was then put and agreed to.

Clause 13.

Mr. SPEAKER: Mr. Rahman's amendment is out of order.

Yes, Mr. Dolui.

Shri HARENDRA NATH DOLUI: Sir, I beg to move that in clause 13 in item (a), lines 9 to 12, for the words beginning with "the commencement of their term of office" and ending with "under the provision of" the words "they shall hold office for six months from the commencement of this Act notwithstanding the provision contained in" be substituted.

Mr. MD. KHUDA BUKHSH: On a point of order, Sir; may I know why Mr. Rahman's amendment is out of order?

Mr. SPEAKER: You are now too late to raise a point of order. Another motion is now before the House.

Shri HARENDRA NATH DOLUI: এই Municipal Amendmentএর যে প্রস্তাব Government এনেছেন এতে nomination তুলে দেওয়া হচ্ছে। এই nominationএর ফলে সংখ্যা লঘিষ্ঠ যাঁরা সমস্ত ছিলেন তাঁরা আর আসতে পারছেন না। সেজন্য আমার ইচ্ছা যে nominated memberদের বাদ দিয়ে উপস্থিৎ যে সমস্ত সভ্য নির্বাচিত হয়েছেন তাঁদিগকে নিয়ে যে Board তৈরি হবে, তাতে বেশী দিন তাঁদিগকে কাজ করতে না দিয়ে ছয় মাস পর্য্যন্ত দেওয়া হোক। এরপরেতে আবার নূতন election করা হোক। কারণ যে সমস্ত minority community আছেন, তাঁরা হয়ত আবার আসতে পারেন। আমার এবিষয়ে এইটুকু মাত্র বলবার আছে।

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: মাননীয় Speaker মহোদয়, এই বিল সম্বন্ধে শ্রীযুক্ত হরেন্দ্র নাথ দলুই মহাশয় যে সংশোধনী প্রস্তাব এনেছেন আমি তার বিরোধিতা করছি। তাঁর মনে আশঙ্কার উদ্রেক হয়েছে যে, মনোনয়ন প্রথার সাহায্যে বিশেষ বিশেষ ক্ষেত্রে বিশেষ বিশেষ লোককে সরকার পক্ষ মনোনয়ন করে Municipality র মধ্যে স্থান পাবার যে সুযোগ দিতেন, অতঃপর সে সুযোগ আর তাঁরা পাবেন না। কিন্তু এই প্রথাটীর মূলগত নীতিতেই আপত্তির কারণ আছে এবং সেই আপত্তি দূর করার জন্য আমরা মনোনয়ন প্রথাই তুলে দিতে চাই। কিন্তু তুলে দেবার ফলে আমরা জানি যে, কিছু অসুবিধার সৃষ্টি হবে। আমরা সে ক্ষেত্রে সকলকেই আশ্বাস দিতে চাই যে, উহার ফলে যে সমস্ত অসুবিধার সৃষ্টি হবে তা দূর করে দেবার জন্যে এবং সেই সমস্ত বিশেষ বিশেষ ক্ষেত্রে যাঁদের প্রতিনিধিত্ব ঐ Municipalityতে থাকা দরকার তা রাখবার জন্য, যত শীঘ্র সম্ভব আমরা নূতন একটি বিল এনে সেই সমস্ত অসুবিধা দূর করে, বর্ত্তমানের আপত্তি এবং আশঙ্কার নিরসন করবো। "যত শীঘ্র সম্ভব" বলতে গিয়ে আমি আরো পরিষ্কার করে বলে দিতে চাই যে দু বৎসরের অনধিককাল মধ্যেই আমরা সমস্ত বিষয় বিবেচনা করে এই ধরণের একটি বিল এই পরিষদের সামনে উপস্থিত করবো। আশা করি ইহাতে যে সমস্ত আশঙ্কা বর্ত্তমানে দেখা দিচ্ছে, তা দূর হবে। সর্ব্বপ্রথমে এই বিলের সাধারণ আলোচনার সময় ২টি বিষয়ের উল্লেখ শ্রীযুক্ত

বিমল চন্দ্র সিংহ মহাশয় করেছেন। তিনি বলেছেন যে, কোন কোন Municipality তে প্রায় অর্দ্ধেক পরিমাণ সদস্যই মনোনীত, এবং কোন কোন Municipality প্রায় ৮ বৎসর, ১০ বৎসর, কিম্বা তাদের যা সাধারণ জীবনকাল তার থেকেও অনেক বেশী দিন পর্য্যন্ত নির্ব্বাচনের ব্যবস্থা না করে কাজ চালিয়ে আসছেন। নির্ব্বাচন না হওয়া পর্য্যন্ত ঐ সব মিউনিসিপ্যালিটীতে বা যে সকল মিউনিসিপ্যালিটীতে মনোনীত সদস্যসংখ্যা অর্দ্ধেকের বেশী তাতে কাজ চালাবার অসুবিধাগুলি দূর করে দেবার জন্য সরকারের তরফ থেকে আবশ্যকীয় সুব্যবস্থা করে দেওয়া হবে। আমি আশা করি যে, অতঃপর যে সমস্ত আশঙ্কা তাঁর মনে হয়েছে সে আশঙ্কার আর কোন কারণ থাকবে না এবং আমি ইহাও আশা করছি যে, শ্রীযুক্ত হরেন্দ্র নাথ দলুই মহাশয়ও তাঁর সংশোধনী প্রস্তাব অতঃপর ফেরৎ নেবেন, এবং বিনা আপত্তিতে সর্ব্বসম্মতিক্রমে এই বিল পরিষদে গৃহীত হবে।

Shri SIBNATH BANERJEE: আমি যা বললাম সে সম্বন্ধে ত তিনি কিছু বললেন না; ballotএ election করা হবে? না খালি অরণ্যে রোদন হয়ে গেল।

Mr. MUDASSIR HOSSAIN: What was the necessity of rushing through this measure in this haphazard and piecemeal way? You could have taken time. The heavens would not have fallen. The administration was going on very well.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: শ্রীযুক্ত শিবনাথ বাবু যে কথা তুলেছেন আমি ঠিক এখনই তার উত্তর দিতে পারছি না। যদি বিশেষ কোন অসুবিধার কারণ না থাকে তবে আমাদের Assembly র নির্ব্বাচনের সময় যে রকম Ballot systemএ vote দেওয়া হয়, সেই রকম systemএ vote দেওয়ার ব্যবস্থা প্রবর্ত্তন করবার চেষ্টা আমরা করবো।

আমার অপর বন্ধু বিলটী তাড়াহুড়া করিয়া পরিষদে উপস্থাপিত করার যে সকল ত্রুটীর কথা বলেছেন তা আমি কতকটা স্বীকার করলেও একথা স্বীকার করতে পারছি না যে এই বিলের বিষয়বস্তুটী undemocratic. বিল তাড়াহুড়া করে আনার ফলে হয়তো কিছু ত্রুটী রয়ে গেছে কিন্তু democracy র আদর্শে পৌছাবার জন্য যৌথ নির্ব্বাচন প্রথার প্রবর্ত্তন ও মনোনয়ন প্রথার বিলোপসাধন ইত্যাদি যে বিষয়বস্তুগুলি এই বিলে রয়েছে তা যে democratic নয় এ কথা আশা করি আমার বন্ধুও বলবেন না। তাড়াহুড়া করাটা সর্ব্বক্ষেত্রেই democratic method নয় বলে উনি যা বলেছেন বর্ত্তমান অবস্থা বিবেচনায় আমি তাঁর সঙ্গে সে বিষয়ে একমত হতে পারছি না। সুতরাং মূল আদর্শ ও উদ্দেশ্য বিবেচনা করে তিনি এই বিলের যে বিরোধিতা করতে যাচ্ছেন তা করবেন না এবং আমি আশা করি পরিষদে সর্ব্বসম্মতিক্রমেই এই বিলটী গৃহীত হবে।

Shri HARENDRA NATH DOLUI: Mr Speaker, Sir, মাননীয় মন্ত্রী মহোদয় আশ্বাস দিয়েছেন, যে দু বছর পরে আবার নূতন election হবে, এটা amendmentএর ভিতর আনলে ভাল হতো। আমি তাঁর কথার উপর নির্ভর করে আমার amendment withdraw করছি।

(There was no objection.)

The motion of Mr. Harendra Nath Dolui that in clause 13 in item (*a*), lines 9 to 12, for the words beginning with "the commencement of their term of office" and ending with "under the provision of" the words "they shall hold office for six months from the commencement of this Act notwithstanding the provision contained in" be substituted, was then by leave of the House withdrawn.

Clause 13.

The question that clause 13 do form part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do form part of the Bill was then put and agreed to.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to move that the Bengal Municipal (West Bengal Amendment) Bill, 1947, as settled in the Assembly, be passed.

The motion was put and agreed to.

The Bengal Village Self-Government (West Bengal Amendment) Bill, 1947.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to introduce the Bengal Village Self-Government (West Bengal Amendment) Bill, 1947.

(The Secretary read the short title of the Bill.)

The Hon'ble Sri ANNADA PROSAD CHOUDHURI: Sir, I beg to move that the Bengal Village Self-Government (West Bengal Amendment) Bill, 1947, be taken into consideration.

Shri ISWAR CHANDRA MAL: Mr. Speaker, Sir, এই বিলটাতে ঠিক এই রকম ভাবের একটা অসুবিধা হবে যে Union Boardএতে যে nominated member ছিল তিনজন করে, তারা তিন জন চলে গেলে পর, তাদের স্থানটা খালি হয়ে যাবে। যদি এইটাকে বেশী দিন ধরে continue করতে দেওয়া হয় তাহলে একটু অবিচার করা হবে। আমার মনে হয় যখন এই বিলে provision করা হয়েছিল যে ছয়জন মেম্বরের ভিতর তিনজনকে nominated করা হবে কিছুটা interest বাদ রেখে ছয়জনের কথা বলা হয়েছিল। পূর্বে আমার বন্ধু বিমল বাবু যা বলেছেন আপত্তির কথা আমি তা endorse করে বলছি যে যতশীঘ্র একটা বিল আনা হয় ততই আমাদের ভাল। আমি through স্পীকার, মাননীয় মন্ত্রী মহোদয়কে বলছি যে এটা যেন তিনি বিবেচনা করেন।

The motion of the Hon'ble Shri Annada Prosad Choudhury that the Bengal Village Self-Government (West Bengal Amendment) Bill, 1947, be taken into consideration, was then put and agreed to.

Clause 1.

Shri AMAR KRISHNA GHOSE: Sir, I beg to move that in clause 1, line 1, for the words "The Act", the words "This Act" be substituted.

The motion was put and agreed to.

The question that clause 1, as amended, do form part of the Bill was then put and agreed to.

Clause 2

The question that clause 2 do form part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do form part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do form part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do form part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do form part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do form part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do form part of the Bill was then put and agreed to

Clause 9.

The question that clause 9 do form part of the Bill was then put and agreed to.

Preamble

The question that the Preamble do form part of the Bill was then put and agreed to

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to move that the Bengal Village Self-Government (West Bengal Amendment) Bill, 1947, as settled in the Assembly, be passed.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: মাননীয় Speaker মহোদয় আমার বন্ধু শ্রীযুক্ত ঈশ্বর চন্দ্র মাল মহাশয় যে আশঙ্কার কথা উল্লেখ করেছেন তা আমরা ভালভাবেই বুঝি। Union Boardএ মনোনয়ন প্রথা তুলে দেবার অব্যবহিত পূর্বে কোন কোন Union Boardএ election হয়েছে, এবং সে সকল ইউনিয়ন বোর্ডে বর্তমানে যে নয়জন সভ্য আছেন তাঁরা সকলেই যখন মনোনয়ন প্রথা চালু ছিল তখনকার নির্বাচিত ও মনোনীত সদস্য। কিন্তু Union Board অবশ্য এখনও আছে যেখানে পুরাতন মনোনীত সভ্য কয়েকজন এখনও আছেন। বর্তমান ব্যবস্থায় মনোনীত সভ্যগণ পদত্যাগ করিলে সদস্যসংখ্যা কমে যাবে ঠিকই; ঐ ক্ষেত্রে কাজ চালাতে যাতে কোন অসুবিধা না হয় তার ব্যবস্থা যে আমরা করবো এ আশ্বাস আমি দিচ্ছি। যত শীঘ্র সম্ভব এর বিহিত ব্যবস্থা হবে, এমন কি, সেই ব্যবস্থা করার জন্য ইতিমধ্যেই আমরা কয়েকজনের উপর একটি যথোপযুক্ত বিল প্রণয়ন করবার ভার দিয়েছি। যত শীঘ্র সম্ভব এই অসুবিধা দূর করার উদ্দেশ্যে Village Self-Government Actকে সংশোধন করার জন্য এই পরিষদে একটী বিল আমরা উপস্থিত করছি। তাই তাঁর মনে যে আশঙ্কা আছে সে আশঙ্কার প্রতি যে সরকার অবহিত আছেন এবং ঐ আশঙ্কার যে কোন কারণ নেই, আশা করি তা আমি বুঝতে পেরেছি। সুতরাং আমি প্রত্যাশা করি যে এই বিলটি যেভাবে উপস্থিত করা হয়েছে পরিষদ সর্বসম্মতিক্রমে সেভাবেই উহাকে গ্রহণ করিবে।

The motion was then put and agreed to.

The Bengal Local Self-Government (West Bengal Amendment) Bill, 1947.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to introduce the Bengal Local Self-Government (West Bengal Amendment) Bill, 1947.

(Secretary read the short title of the Bill.)

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg also to move that the Bengal Local Self-Government (West Bengal Amendment) Bill, 1947, be taken into consideration.

Shri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, may I rise to move the amendments that stand in my name and may I have your permission to move some of the amendments together as they propose to cover the same ground.

Mr. SPEAKER: I shall have to put the motion before the House first and then your amendments will come.

Shri BIMAL CHANDRA SINHA: The motions have already been moved.

Mr. SPEAKER: No, we have not come to the clauses yet.

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, our Government have taken the decision to promulgate this Ordinance on district boards, union boards as also on municipalities in acceptance of the principle that nomination to these local bodies is contrary to accepted notions of democracy. Sir, I shall not go into the merits of the Government case. After all a Government is entitled to run the administration in a way that it thinks proper, but I shall call its pointed attention to my district, Sir, where the operation of this ordinance has affected very seriously the legitimate interests of the Mussalmans.

The Mussalmans in Murshidabad district constitute over 57 per cent. of the population but by a very clever manipulation of the constituencies of the district by the Chairman who is now running the district board, by a clever manipulation of the delimitation of the constituencies he has succeeded in preventing just and legitimate representation of the Mussalmans in the district board. Sir, immediately before this ordinance was promulgated, I should say one or two months before the ordinance was promulgated, the district board had finished its general election and where the Mussalmans constitute 57 per cent. of the population, out of 24 seats, they were able to get only 12. That means they got 50 per cent. representation where they ought to get 57 per cent. representation. That was made good among others by Government nomination, but, Sir, before the election of Chairman could take place and the board could be reconstituted this ordinance was promulgated thus taking away the right of the nominated members to go and influence the constitution of the district board. But, Sir, as I have said, a Government in office is entitled to run the administration of the country by ordinances or by bringing them before the House and getting them passed as pieces of legislation as it likes. I voice, Sir, the grievances of the Mussalmans of Murshidabad.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY : মাননীয় স্পীকার মহাশয়, খোদাবক্স সাহেব বলেছেন যে এর আগে যিনি মুর্শিদাবাদ জেলা বোর্ডের চেয়ারম্যান ছিলেন তিনি তাঁর বুদ্ধির জোরে Constituency টাকে এমনভাবে delimitation করিয়ে নিয়েছিলেন যাতে তাঁর দলের সংখ্যাধিক্য জেলা বোর্ডে ঘটে।

Mr. Md. KHUDA BUKHSH এখনও আছে।

The Hon'ble Shri ANNADA PROSAD CHOUDHURY : এখনও যদি থেকে থাকে এবং তিনি যদি চালাকী করতে পেরে থাকেন তাহলে আমি শুধু এই বলব যে, আমরা তখন অফিসে ছিলাম না। অতএব কেমন করে তিনি চালাকী দ্বারা ভুলিয়ে কার্য্যোদ্ধার করে নিয়েছেন তার উত্তর আমরা দিতে পারব না। সে বিষয় আমি কোন আলোচনাও করতে চাই না।

Mr. A. F. M. ABDUR RAHMAN: Mr Speaker, Sir, would it not be better for the House to adjourn now for prayer?

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: I shall take two minutes.

Mr. SPEAKER: The Hon'ble Minister will speak only for two minutes. I shall adjourn the House after that

তারপর, নমিনেশনের যে ব্যবস্থা ছিল আমরা সেই নমিনেশন প্রথা যদি উঠিয়ে দিয়ে থাকি তাহলে, আমি মনে করি, আমরা আমাদেরই ক্ষমতা খর্ব করেছি। এতে যদি তিনি অসন্তুষ্ট হন, তাহলে আমরা নিরুপায়। চেয়ারম্যান বুদ্ধি প্রয়োগ করে অতীতে তাঁদের হারিয়ে দিয়েছেন বলে তিনি যে আশঙ্কা করেছেন, এখন সেই আশঙ্কার কোনই হেতু নেই।

Mr. SPEAKER: Will you take long, Mr. Choudhury?

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: No, I have finished practically.

সেই জেলা বোর্ডের এখন যে অবস্থা আছে, নূতন নিয়মে তার যে কি পরিবর্ত্তন হবে তা জানি না। একটা মূল নীতি আমরা সাব্যস্ত করেছি। সেই নীতি অনুসরণ করতে গিয়ে কোন জায়গায় হয়তো সুবিধা হবে, কোন জায়গায় হয়তো অসুবিধা হবে। বিশেষ কোন জায়গার কথা বিবেচনা করে নীতি স্থির করা হয়নি। কাজেই যদি কোন জায়গায় উহার ফলে অসুবিধা হয়, এবং উহা যদি আমাদের গোচরীভূত হয়, তবে অন্য জায়গায় যেমন সেই অসুবিধা দূর করবার চেষ্টা করা হবে তাঁর জেলাতেও সেই রকম চেষ্টা যে করা হবে এ আশ্বাস আমি তাঁকে দিচ্ছি।

The motion of the Hon'ble Shri Annada Prosad Choudhury that the Bengal Local Self-Government (West Bengal Amendment) Bill, 1947, be taken into consideration was then put and agreed to.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to

Clause 4.

Shri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I beg to move that for clause 4 the following be substituted, namely:

"4 In sub-section (5) of section 16B of the said Act, the words 'and fresh appointment' shall be omitted."

The object of my tabling this amendment is that there is a provision in the Act for fresh appointments in the case of local boards. The object of tabling my amendments Nos. 1 to 7 was that so far as the local boards are concerned, nomination should be abolished also in that sphere. As I find, Sir, that there are constitutional difficulties in admitting my amendments Nos. 1 to 7 may I remind the Hon'ble Minister that it would be an anomaly to retain nomination in the local boards while abolishing nomination in the district boards as also in the union boards. I do not know, Sir, if the local boards still exist anywhere in Bengal. If they do exist I would urge upon the Government the necessity of abolishing nomination in the local boards as well, but if the Government have by executive order under the sections already existing in the Bengal Local Self-Government Act abolished the local boards, in that case these amendments will not be necessary. So, I urge upon the Government to make a statement in this House whether local boards still exist anywhere in Bengal and if they do exist whether Government propose to retain nomination to the local boards or to abolish nomination in those cases also.

With these words, Sir, I move this amendment, the object of which is to abolish nominations so far as the local boards are concerned

Mr. Speaker, Sir, may I have your permission also to move a short-notice amendment to clause 4?

Mr. SPEAKER: Yes.

Shri BIMAL CHANDRA SINHA: Sir, I beg to move that for clause 4 the following clause be substituted, namely:—

"4. In section 16B of the said Act—

(a) in sub-section (1)—

(i) for the word 'Crown' the words 'Constitution of India' shall be substituted, and

(ii) for the words 'I, A. B., having been elected appointed a member of the district board or the local board, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, His heirs and successors, and that I will faithfully discharge the duties upon which I am about to enter', the words I, A. B, being a member of the district board or the local board, do solemnly swear (or affirm) that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter' shall be substituted, and

(b) in sub-section (5) for the words 'and fresh appointment' the words in the case of a district board and by a fresh general election and fresh appointment in the case of a local board' shall be substituted"?

Sir, the object of this amendment is to amend the form of the oath that now prevails in the case of members of district boards and local boards. This change, Sir, is consistent with the change in the form of oath that has been adopted by the Constituent Assembly; for all self-governing bodies the old oath has been changed and modified in this form and therefore I suggest that instead of swearing allegiance to His Majesty the King who has now gone out of the picture of India we may now say that we owe allegiance to the Constitution of India as by law established and that we shall faithfully discharge the duty upon which we are about to enter being bound only by that Constitution of India as by law established. This is the object of this amendment and with these words I move the short notice amendment to clause 4.

Mr. MUDASSIR HOSSAIN: But in Dominion Status there is allegiance to His Majesty the King——

Mr. SPEAKER: Mr. Sinha, I find you have moved two motions.

Shri BIMAL CHANDRA SINHA: Sir, I withdraw the amendment I first moved.

Mr. SPEAKER: In item 8 of the agenda you have moved that for clause 4 the following be substituted; and this amendment which you have now moved is that for clause 4 the following clause be substituted.

Shri BIMAL CHANDRA SINHA: Sir, I withdraw the first amendment and move this short-notice amendment.

There being no objection the motion of Mr. Bimal Chandra Sinha that for clause 4 the following be substituted, namely: "4. In sub-section (5) of section 16B of the said Act, the words 'and fresh appointment' shall be omitted" was then by leave of the House withdrawn.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I accept this amendment last moved by Mr. Sinha.

Mr. SPEAKER: On the floor of the House an amendment has been moved by Mr. Bimal Chandra Sinha which has been accepted by the Hon'ble Minister.

The motion of Shri Bimal Chandra Sinha that for clause 4 the following be substituted, namely:—

"4. In section 16B of the said Act—

(*a*) in sub-section (1)—

(*i*) for the word 'Crown' the words 'Constitution of India' shall be substituted, and

(*ii*) for the words 'I, A.B., having been elected/appointed a member of the district board or the local board, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, His heirs and successors, and that I will faithfully discharge the duties upon which I am about to enter', the words 'I, A.B., being a member of the district board or the local board, do solemnly swear (or affirm) that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter' shall be substituted, and

(*b*) in sub-section (5) for the words 'and fresh appointment' the words 'in the case of a district board and by a fresh general election and fresh appointment in the case of a local board' shall be substituted",

was then put and agreed to

The question that clause 4, as amended, stand part of the Bill was then put and agreed to

Clause 5

Shri BIMAL CHANDRA SINHA: Sir, I beg to move that for clause 5(*b*) the following be substituted, namely:—

"(*b*) Sub-section (2) shall be omitted"

Sir, the object of my moving this amendment is the same. I want to bring under the purview of this Act the local boards as well That is why not only the district boards but also the local boards have been included in this amendment; and if the local boards exist they should be brought within the purview of this Act and nominations abolished. With that object in view I move this amendment

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to oppose it.

মাননীয় বিমল চন্দ্র সিংহ মহাশয় Local Boardএ nominationএর কথা তুলেছেন। Local Board বাংলা দেশে প্রায় নাই-ই, একমাত্র নবদ্বীপ জেলার কতকাংশে আছে, এবং সেই নবদ্বীপ জেলাও সম্প্রতি নূতনভাবে গঠিত হয়েছে। সেই জেলায় উহা অচিরেই তুলে দেওয়া হবে। অন্যান্য যে সব জেলায় পূর্ব্বে ছিল সেখানে বর্ত্তমানে নাই—তুলে দেওয়া হয়েছে—এবং যেখানে আছে সেখানেও তুলে দেওয়া হবে বলে Local Boardএ nomination প্রথা তুলে দেওয়ার কোন ব্যবস্থা এই বিলে করা হয়নি। কিন্তু যে spiritএ অন্যান্য ক্ষেত্রে nomination তুলে দেওয়া হয়েছে, যদি Local Board থাকতো তাহলে আমরা সে ক্ষেত্রেও তুলে দিতাম। Local Board নাই, এবং যে অল্প যায়গায় আছে সেখানেও তুলে দেওয়ার সিদ্ধান্তই সরকার করেছেন। কাজেই এই nominationএর কথা Local Boardএর বেলায় উত্থাপন করা হয়নি। সুতরাং আমি আশা করি এরপরে বিমল বাবু যে সংশোধনী প্রস্তাব এনেছেন তা তিনি প্রত্যাহার করবেন।

Shri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, in view of the statement made by the Hon'ble Minister that the local boards have been abolished and that the few solitary instances that may yet be cited will be no more in near future, I beg leave of the House to withdraw the amendment that I have moved.

There being no objection the motion of Shri Bimal Chandra Sinha that for clause 5(*b*) the following be substituted, namely:—

"(*b*) *Sub-section (2) shall be omitted*"

was then by leave of the House withdrawn.

The question that clause 5 stand part of the Bill, was then put and agreed to.

Clause 6.

The question that clause 6 stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 stand part of the Bill was then put and agreed to.

Clause 10.

Shri BIMAL CHANDRA SINHA: Sir, I beg to move that in clause 10(*a*), lines 1 and 2, for the words "before the commencement of this Act" the expression "after the 3rd June, 1947" be substituted.

Sir, the object of my moving this amendment is this Clause 10, as now drafted, provides for the abolition of all nominations, whether they have been made before the 3rd of June or thereafter. In my view, Sir, this would be an obvious anomaly. There are cases where elections have taken place recently, say, within a month or two, and there are cases where elections have not been held for eight or nine years I find Mr Jasimuddin Ahmed is looking at me He will bear testimony to the fact that the district board of 24-Parganas had its elections nine years ago, and that the district board had repeatedly sent their recommendations for delimitation of the constituencies The previous Government backed by the party to which Mr. Jasimuddin Ahmed had the honour to belong did not think it worthwhile to delimit the constituencies of that district board and hold fresh elections. Therefore I suggest that a distinction should be made between those district boards that have had elections recently and those that had had no elections for a long time I would say that it would be obviously wrong to allow those district boards which had elections long long ago to go on in their present form simply without the nominations. I will give a specific instance, Sir. In the 24-Parganas district board twenty members are elected and ten nominated. If these ten members go out, it should require reconstitution. Then, again, Sir, there was one Lawyer-magistrate who has gone away and one member has become an Hon'ble Minister and has shunned the district board for the Writers' Buildings, and therefore the district board has now to function with, say, seven or eight members. That would, I submit, Sir, be an obvious wrong. Therefore I suggest that those district boards which have had their elections recently, that is, after the 3rd of June, 1947, might be allowed to continue because they have had fresh blood in their composition, only the nominated members in those district boards going out, and I would suggest that fresh elections should take place in the case of the other district boards as soon as the Government

might think fit. I think it would be an obvious wrong if you do not make a distinction between these two sets of district boards and make separate arrangement in each case.

Mr. SPEAKER: Amendment No. 16 is not in order.

Mr. A. F. M. ABDUR RAHMAN: May I know, Sir, why my amendment is not in order?

Mr. SPEAKER: Mr. Rahman, your amendment is in conflict with the words "commencement of the Act". I therefore rule it out.

Shri HARENDRA NATH DOLUI: Sir, I beg to move in clause 10, in item (*a*), lines 6 to 8, for the words beginning with "the commencement of the term" and ending with "come into office under", the words "they shall hold office for six months from the commencement of this Act notwithstanding the provision contained in" be substituted

Shri A. K. GHOSE: Sir, I beg to move that in clause 10, in item (*a*), line 8, for the word "come", the word "came" be substituted.

Shri BIMAL CHANDRA SINHA: Sir, I beg to move that in clause 10, in item (*c*), line 4, for the word "Commissioners" the word "members" be substituted

Sir, it is a mistake in nomenclature and I would urge upon the officials of Government to be a bit more careful to correct such mistakes in future.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: মাননীয় Speaker মহোদয়, শ্রীযুক্ত বিমল চন্দ্র সিংহ মহাশয় clause 10 এর লাইন এক এবং দুইতে যে ১৫ নম্বর amendment উত্থাপিত করেছেন আমি তার বিরোধিতা করছি। উনি বলতে চাচ্ছেন যে ৩রা জুনের আগে যে সমস্ত nomination হয়েছে এবং ৩রা জুনের পরে যে সমস্ত nomination হয়েছে তার মধ্যে একটা প্রার্থক্য করা হোক। কতকগুলিকে গ্রহণ করে কতকগুলিকে বাতিল করে দেওয়ার আমি বিরোধী। কারণ আমরা কতকগুলি বিবেচনা করে প্রথমে একটা মূল নীতি স্থির করতে চেয়েছি। সেই মূল নীতিটা হয়েছে nomination প্রথার বিলোপ সাধন তা ৩রা জুনের আগের মনোনয়নই হোক আর পরেই হোক। এখন এই প্রথা তুলে দেবার ফলে যে সব অসুবিধা দেখা দিবে তার যা কিছু প্রতিকার দরকার হয় তা Government পৃথকভাবে বিচার করে যে ব্যবস্থা দরকার তা করবে। কিন্তু এই নীতি অনুসারে যে সিদ্ধান্তে আমরা উপনীত হতে চাই তার মধ্যে কোন ব্যতিক্রমের স্থান না থাকাটাই বাঞ্ছনীয়। অতএব ৩রা জুনের আগে এবং ৩রা জুনের পরের মনোনয়নের মধ্যে যে পার্থক্যের সৃষ্টি করার প্রস্তাব বিমল বাবু করেছেন আমি মনে করি তা' তিনি প্রত্যাহার করবেন এবং এই বিলের সমস্ত অংশ এই পরিষদ সর্বসম্মতিক্রমে গ্রহণ করবেন।

Shri BIMAL CHANDRA SINHA: On a point of personal explanation, Sir. Perhaps the Hon'ble Minister has not understood my point. My point is not to support nomination. In my amendment No. 22 I have also suggested that those districts which were constituted before the 3rd of June, 1947—in those cases also nominations should be abolished. My only proposition is that in the case of those district boards which have had elections recently the boards might consist of the elected members, the nominated members going out. But in the other case not only the nominated members should go out but also the entire board should go out and fresh elections should be held. But in the case of those district boards which had recent elections, there should be no fresh general elections and those boards may continue only without the nominated members. In the case of those district boards where there were no elections recently not only the nominated members but all the members of the boards should go and there should be fresh elections as early as possible.

Hon'ble Shri ANNADA PROSAD CHOUDHURY: ৩রা জুনের আগে যে সব যায়গায় election হয়ে গিয়েছে এবং যে সব Board চলছে তার nominated member

বাদ দিলে যদি কাজের অসুবিধা হয় ত সেই অসুবিধা দূর করার ব্যবস্থা নিশ্চই করা হবে, কিন্তু ৩রা জুনের পরে যে সমস্ত election হয়েছে তার মধ্যেও nominated যদি কেউ হয়ে থাকেন সে nominated member ও বাদ পড়ে যাবেন। দুই দিকেই nominated member বাদ পড়ে যাবেন এবং ৩রা জুনের আগে অনেক দিন পর্য্যন্ত যে সমস্ত District Board এর কাজ চলছে তার nominated member বাদ পড়ে গেলে যদি কাজের অসুবিধা হয় তার জন্য সেই অবস্থা বুঝে যা করা দরকার তা করা হবে, কিন্তু আমি মনে করছি যে, এইসব অসুবিধা কার্য্যক্ষেত্রে কিছুই আসবে না এবং তার জন্য অনুরোধ করি যে উনি যে সংশোধনী প্রস্তাব এনেছেন তা প্রত্যাহার করবেন।

শ্রীযুক্ত অমর কুমার ঘোষ মহাশয়ের ১৮ নং সংশোধনী প্রস্তাব গ্রহণ করলাম; এবং শ্রীবিমল চন্দ্র সিংহ মহাশয়ের ২১ নং সংশোধনী প্রস্তাবও আমি গ্রহণ করলাম। শ্রীযুক্ত হরেন্দ্র নাথ দলুই মহাশয় যে কথা বলেছেন আমি আগেও যেমন বলেছি এখনো তাকে আশ্বাস দিচ্ছি যে এই nomination প্রত্যাহারের ফলে যে সমস্ত বিশেষ সম্প্রদায়ের প্রতিনিধিত্ব করার সম্ভাবনা ছিল তা যদি বাদ পড়ে যায় তাহলে যত শীঘ্র সম্ভব delimitation করে constituency ভাগ করে যাতে যথেষ্ট প্রতিনিধিত্ব তাঁরা পেতে পারেন তার ব্যবস্থা করা হবে। আমি আশা করি যে আগে যে আশ্বাস দিয়েছিলাম সেই আশ্বাস অনুসারে তিনি তাঁর সংশোধনী প্রস্তাব প্রত্যাহার করে নেবেন এবং ১০ নং clause যা আপনাদের সম্মুখে উপস্থাপিত করা হয়েছে তা সর্ব্বসম্মতিক্রমে গৃহীত হবে।

Shri BIMAL COMAR GHOSE: On a point of information, Sir. Will the Hon'ble Minister just inform this House as to how long the old boards are likely to continue—the point raised by Mr. Sinha? For example, in 24-Parganas, if his amendment is not accepted, how long will the old board continue?

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Election এ আমার মনে হয় যে এক বৎসরের বেশী সময় লাগবে না, হয় তো তার চেয়ে কম সময়েও শেষ করে দেওয়া যাবে। যে ২৪ পরগণার নকীর বক্সের খোদাবক্স সাহেব তুলেছেন তার delimitation করে দিতেই আমাদের পূর্ব্ববর্ত্তী সরকারের এক বৎসর সময় লেগেছিল। তা যাই হোক, আমি মনে করি election এক বৎসরেই শেষ করে দেওয়া যাবে—তার কম সময়েও হতে পারে। এক বৎসরের বেশী তো নয়ই।

Shri BIMAL CHANDRA SINHA: Mr. Speaker, in view of the assurance very kindly given by the Hon'ble Minister, I beg leave of the House to withdraw the amendment that stands in my name—amendment No. 15.

Shri HARENDRA NATH DOLUI: মাননীয় মন্ত্রী মহাশয় যে আশ্বাসবাণী দিয়েছিলেন তার উপর নির্ভর করে আমি আমার amendmentটা প্রত্যাহার করছি।

Mr. SPEAKER: Has Mr. Bimal Chandra Sinha the leave of the House to withdraw his amendment No. 15?

Mr. JASIMUDDIN AHMED: I object because that should be formally put. The usual procedure is to say that the question before the House is that leave has been asked for by so and so.

Mr. SPEAKER: After your opposition, I shall put it like this. The question before the House is that leave has been asked for by Mr. Bimal Chandra Sinha to withdraw his motion No. 15, viz., that in clause 10(*a*), lines 1 and 2, for the words "before the commencement of this Act" the expression "after the 3rd June, 1947", be substituted.

The motion was then, by leave of the House, withdrawn.

The motion of Shri Harendra Nath Dolui that in clause 10, in item (*a*), lines 6 to 8, for the words beginning with "the commencement of the term" and ending with "come into office under" the words "they shall hold office for six months from the commencement of this Act notwithstanding the provision contained in" be substituted, was then, by leave of the House, withdrawn.

The motion of Shri N. K. Ghose that in clause 10, in item (a), line 8, for the word "come" the word "came" be substituted, was then put and agreed to.

The motion of Shri Bimal Chandra Sinha that in clause 10, in item (c), line 4, for the word "Commissioners" the word "members" be substituted, was then put and agreed to.

The question that clause 10, as amended, stand part of the Bill was put and agreed to.

Preamble.

The question that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: Sir, I beg to move that the Bengal Local Self-Government (West Bengal Amendment) Bill, 1947, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The West Bengal Black Marketing Bill, 1947.

The Hon'ble Shri CHARU CHANDRA BHANDARI: Sir, I beg to introduce the West Bengal Black Marketing Bill, 1947.

(Secretary then read the short title of the Bill.)

Observations of Mr. Speaker on the preservation of dignity and honour of the House.

Mr. SPEAKER: Before we rise, I wish to draw the attention of the honourable members of this House and, through them, of the outside public that for some time past I have been noticing that so far as the precincts of this Assembly House and even the Assembly hall are concerned, there have been encroachments. We are now in a free Parliament in a free India and we should help in establishing good precedents and conventions to guide us. Whatever may be the policy of the Government and whatever may be the form of protest that may be lodged by any section of the people, I do appeal to them that so far as this House is concerned, they should see that the dignity and honour of this House are preserved. On the last occasion I saw that even some of the members who were going out of the House were molested

I may draw the attention of the House that so far as the House of Commons is concerned, it is a very valued privilege of the members of the House that when they come to the House or go out of the House they should not be in any way molested or interfered with. So far as the precincts of the House are concerned, the House of Commons has resolved that it is a high crime and misdemeanour for any person or group of persons to come to the House in order to have a particular Bill passed or not passed. It is the freedom of the members of the Parliament to come to and go from the Parliament and express their views freely unhampered and unmolested that will pave the way for establishing such traditions in this House which will ensure freedom for this country.

My special appeal is to our youth who have sacrificed so much for the attainment of freedom of this country. And I shall appeal to them that they should exercise some restraint in order to establish the highest traditions so far as this Assembly is concerned. I, as the custodian of the honour, dignity and privilege of this House, make this earnest appeal to them, and I do hope that whatever may be the form of agitation or protest, so far as the Assembly precincts are concerned, the dignity and honour of this House should remain unsullied.

Shri JYOTI BASU: On a point of privilege, Sir, and this is the third time I am raising this point. We are told two or three Bills will come up tomorrow and we are to give amendments to them. One which is on the Order Paper—I do not know whether this also will come up tomorrow—is the Special Powers Bill as reported by the Select Committee. This is supposed to come up tomorrow. In the rules it is stated that "the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for seven days". Now, unfortunately, seven days are not being given to us and if we are to proceed in this manner, then I do not know what is the use of these rules. Of course, Sir, you can, under certain circumstances, deprive us of the right, but as Parliamentary practice goes, as far as I am aware, unless there is a grave emergency, unless valid reasons can be shown, even the Speaker does not act in such a manner that the privilege, especially of the minority, is not protected. Therefore, I would urge upon you not to let the Government act in this manner and bring in Bills in such a hurried fashion. We should, as far as practicable, stick to the rules as they are framed—as they are being followed for the last so many years. I do not know why when since session has begun in a free Bengal, every time every Bill is brought up, we are not being given sufficient time to go into the Bills, and function in a democratic manner. I am sure, Sir, that you will help the minority to act in such a way that they may uphold the dignity and honour of the Chair and this House. Otherwise, history has proved that if the minorities are ridden roughshod in this manner, then they have to act by methods which we do not at all like. I should like to know whether you will protect us in this matter, and what are the urgent issues that justify bringing in these Bills in this hurried way.

Mr. SPEAKER: Mr. Basu, I quite realise the grievances ventilated by you in this House. As a matter of fact, I do believe that it is a privilege of the members to have sufficient time for considering the Bills which are before them. With that object in view I contacted the Chief Whip of the Government Party and asked him not to bring this Special Powers Bill and the Calcutta Municipal Bill for consideration tomorrow. Instead these two Bills may be taken for consideration day after tomorrow and the time for tabling amendments will be given till 11 a.m. on the 10th

Mr. MD. KHUDA BUKHSH: Sir, even two days' time, namely, up to day after tomorrow, for these two Bills is very short. The Special Powers Bill was presented to this House and was referred to a Select Committee. The Select Committee sat and they have made recommendations for certain changes in the Bill. The members should be given sufficient time to study the original Bill as well as the amendments and modifications as suggested by the Select Committee. Only two days' time is too short for these two Bills and I associate myself with Mr. Jyoti Basu in protesting against this short time.

Shri A. K. GHOSE: You were a member of the Select Committee.

Mr. MD. KHUDA BUKHSH: I was a member of the Select Committee, and that is why I say that the Bill is of a sweeping nature. You are aware, Sir, that there is countrywide resentment over this Bill and the whole country is clamouring for the rejection of this Bill. It is therefore meet and proper that the members, the elected representatives of millions outside who are clamouring for the rejection of this Bill, should be given some more time to consider the provisions of the Bill and then come to this House to pool their talents, to pool their experience and then present something to the country which will be acceptable to the country outside. Sir, you are aware that Bengal in general is groaning under this Special Powers Ordinance. What has transpired in the Select Committee is not for me to

divulge now, because the report has been published. But I feel that Government should give more time to the members to digest the modifications suggested and also to ascertain for themselves whether the modifications are of a nature which is acceptable to the country.

Mr. SPEAKER: I have already stated my views about the time. Government has also heard them. The difficulty is that as much time as is allowed by the rules cannot be permitted.

Shri JYOTI BASU: Let us hear the Government as to why they are going against the democratic rules that are before us.

Mr. SPEAKER: So far as this House is concerned, I may say that I had a talk with the Chief Whip and I did point out to him the necessity of giving more time, and as a matter of fact on account of that one day's more time has been given and the Bill instead of coming up tomorrow will be taken up the day after. Now it will be for the House either to reject it or to pass the Bill.

Shri JYOTI BASU: Why should you bow to the dictates of Government? In the rules it is definitely said that the Bill must be in our hands for seven days before it is brought up for consideration.

Shri A. K. GHOSE: On a point of order, Sir. Is the honourable member entitled to make a reflection on the Chair?

Shri JYOTI BASU: It is no reflection.

Shri A. K. GHOSE: There is no dictate from Government to the Speaker, and my honourable friend is insinuating that.

Shri JYOTI BASU: Then Government is to answer why seven days' time is not being given to us.

Shri A. K. GHOSE: Government have stated the reason at the time of introduction of the Bill.

Shri JYOTI BASU: What are the reasons?

Shri A. K. GHOSE: If the honourable member was absent I am sorry (Mr JYOTI BASU: I was not absent.) The Prime Minister made it clear why Government had to curtail the usual time which is given to members for tabling amendments. The reasons are obvious. Government had to bring this measure all on a sudden. As a matter of fact Government had no intention to call the Assembly at this time, but it was compelled to call the Assembly on account of certain resolutions which had to be passed in connection with the Damodar Project, and as the law stands these Ordinances which were promulgated had to be converted into an Act; otherwise they will lapse six weeks after the opening of the session. We are very hard pressed for time and naturally we had to curtail the usual time which is given to members. The Prime Minister at the time of introduction of the Bill made this point perfectly clear, and I am glad to say that the House also gave that much of indulgence which was needed at that time.

Shri JYOTI BASU: We did not.

Shaik MUHAMMAD RAFIQUE: Sir, I did not want to speak because this is the first session of the Legislature and there is not much of opposition in the House and the Bills are being passed more rapidly than what the Government anticipated. Sir, it does not look nice that the Rules of Procedure that have already been framed should be broken on the very second day when we were entering the House even though you assured us that those rules would be strictly followed. Sir, if the Government will give us sufficient time, they will not be losing anything because the Bills which

have already been passed have not received assent of the Governor and it will take some time for the Government to see them on the Statute Book. Sir, I think, you as the Speaker of this House and as the custodian of the rights and privileges of the members of this House should exercise your powers and give us protection. We want to stick to the rules which have been framed and we do not want any favour from the Government. If the Government today want that they should pass the present measure rapidly, they can do so because there is no opposition in this House. If a precedent is created it is quite possible that when the present Government is not in power the precedent created would hit with greater force the Treasury Benches. We do not raise any objection to the measures that have been hurried through the House, but I think in future you would be pleased to give us sufficient time to put in our considered views. These are very important measures which required more time for giving notices of amendments.

Mr. SPEAKER: I have heard the objections So far as the Special Powers Bills are concerned, I find that the Government wanted to move the consideration of the Bill on a previous day, but in deference to the opinion of the members of the House the Bill was referred to the Select Committee, and some time was given to the members to consider the Bill in the Select Committee I have now got the consent of the Chief Whip that the time should be extended by one day more for the Special Powers Bill and that time has been given up to 11 a.m. on the 11th But the difficulty is that if instead of 5 p.m on the 10th, 11 a.m. on the 11th is fixed, so far as my office is concerned, it will be difficult for them to circulate the amendments in time; and if the members want to have time till 11 a.m. on the 11th, I may not be able to have the amendments circulated in time.

Shri JYOTI BASU: Of course, if there is no other alternative, we shall submit our amendments by 11 a.m. on the 11th but we shall do so under protest.

Mr. SPEAKER: Then, so far as the Special Powers Bill is concerned, the time for submitting amendments will be up to 11 a.m. on the 11th. So far as the other measures are concerned, they will be taken up as per circular already issued.

Shri JYOTI BASU: Sir, in that case the rules will be violated.

Mr. SPEAKER: So far as the rules are concerned, I think the members know it perfectly well that in order to go on with the business of the House, those rules have sometimes to be suspended and sometimes have to be curtailed. Of course I agree with the honourable members in this matter that the Government ought to see that there is no such hurry hereafter and that there be no grievances on the part of the members of the House.

Shri NIHARENDU DUTT-MAZUMDAR: Sir, in the interest of proper conduct of business of the House it is your inherent power, whether Government may agree or not, to allow such time as you may think necessary, and although you have got the power to waive the rules to expedite the business for urgency, you are nevertheless, as the Speaker of the House, expected to give as much time as possible. And I therefore suggest that in the matter of giving notices it is necessary that you, Sir, have the inherent power of fixing the time. Of course where Government have any difficulty they will explain such difficulties to you. I know that due weight should be given for reasonable difficulties which Government may have to surmount. But in this matter I feel that in the exercise of your inherent power and the rules, and such things as are not covered by the rules or by your inherent power, you will be pleased to give such time as may be necessary.

Mr. SPEAKER: In view of what I have said, I regret that nothing more can be done. I have got to look to the business of the House. Reasonable time has been given, and I believe that honourable members will exert themselves a bit more to submit their amendments in time.

Adjournment.

The House was then adjourned at 5-58 p.m. till 3-45 p.m. on Tuesday, the 9th December, 1947, at the Assembly House, Calcutta

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 9th December, 1947, at 3-55 p.m.

Present:

Mr. Speaker (the Hon'ble Shri ISWAR DAS JALAN) in the Chair, 4 Hon'ble Ministers and 12 members.

Mr. SPEAKER: As I find that there is some difficulty in the members coming into this House, I adjourn the House for half an hour.

(The House was accordingly adjourned for half an hour.)

(The House re-assembled at 5-7 p.m.)

Throwing of tear gas bombs by the police from inside the Assembly compound.

Sri BIMAL COMAR GHOSE: Mr. Speaker, before we being the proceedings today, there is one point on which I should like to have some information. It is about the throwing of tear gas bombs from inside the premises of the Assembly round about the streets of the Assembly precincts. I should like to know if that was done with your knowledge and permission or whether the police had of their own done that.

Mr. SPEAKER: So far as the road is concerned, that is beyond my jurisdiction That is for the Government to decide as to what it wants to do. When the police had closed the doors I asked the police to open one of the doors to allow the members to come in.

Sri BIMAL COMAR GHOSE: Mr. Speaker, let me make my position clear. What I meant was this, that the police were throwing from inside the Assembly precincts tear gas bombs on the streets

Mr. SPEAKER: That I am not aware.

Sri BIMAL COMAR GHOSE: I raised the point because it concerns the independence of the Assembly and the powers and jurisdiction of the Speaker I thought that it should be brought to your notice so that such happenings may not recur in future without your knowledge

Mr. SPEAKER: I note what you say. Questions.

Sri BIMAL COMAR GHOSE: Mr. Speaker, may I draw your attention to the fact that many members are not present to-day. And although we have a quorum and can proceed with the business of the day, I would like to know whether you would consider it advisable to proceed with the business, because if you take into consideration the circumstances under which the Assembly has met today, I think it will not be fair because all the members will not have an opportunity to express their opinion on the questions and other matters that may be brought before the Assembly today. So, I should like you to consider the situation and deal with it as you think best.

Mr SPEAKER: May I know as to what Government has to say?

Mr. ABDUR RAHMAN SIDDIQI: Before the Government expresses its view, the House has a quorum and, whether Government likes it or not, I as a member would demand that the work should go on.

Mr. SPEAKER: I am entitled to know as to what Government has to say. Certainly I should use my discretion in the matter.

The Hon'ble Dr. SURESH CHANDRA BANERJI: মাননীয় স্পীকার মহোদয়! আমার মতে যখন কোরাম আছে তখন Assembly proceedings চলা উচিত।

Mr. SPEAKER: I think I shall have to proceed with the business of the House. Questions.

STARRED QUESTIONS

(to which oral answers were given)

Primary education in rural areas.

*3. **Sri KANAILAL DASS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state আবশ্যিক ও অবৈতনিক বুনিয়াদী শিক্ষা পশ্চিম বাংলা প্রদেশে যথাসম্ভব শীঘ্র প্রতিষ্ঠা করিবার নীতি সরকার গ্রহণ করিয়াছেন কি?

(*b*) যদি করিয়া থাকেন তবে এই সম্পর্কে সরকারী পরিকল্পনা রচিত হইয়াছে কি?

(*c*) যদি পরিকল্পনা রচিত হইয়া থাকে তাহা হইলে এ সম্পর্কে জনসাধারণ ও বিশেষজ্ঞের অভিমত লওয়া হইয়াছে কি?

The Hon'ble Shri CHARU CHANDRA BHANDARI (on behalf of the Hon'ble Dr. P. C. Ghosh): (*a*) Yes, the Government has accepted the principle that primary education in rural areas should be on the basic model and that it should be free (It cannot, however, be made compulsory now)

(*b*) A tentative short-term plan has been drawn up.

(*c*) Some experts in this line have been consulted.

Sri BIMAL COMAR CHOSE: Will the Hon'ble Minister be pleased to state as to what stage the short-term plan is at the moment? The short-term plan has been drawn up. Will the Hon'ble Minister be pleased to state as to when they want to give effect to that short-term plan, or is it still under consideration of Government?

The Hon'ble Shri CHARU CHANDRA BHANDARI: খুব শীঘ্রই দেওয়া হবে এবং শিক্ষক-ট্রেনিংএর জন্য ব্যবস্থা করা হচ্ছে। Basic Education দিতে হলে সর্ব্বপ্রথমে শিক্ষক-ট্রেনিং প্রয়োজন। শিক্ষক-ট্রেনিং হয়ে গেলে স্কুল start করা হবে।

Sri KANAILAL DASS: মাননীয় মন্ত্রী মহাশয় বলবেন কি উত্তর(*b*)তে তিনি বলেছেন plan করা হয়েছে; সেই tentative plan করা হয়েছে, না হবে?

The Hon'ble Shri CHARU CHANDRA BHANDARI: না, করা হয়েছে।

Sri KANAILAL DASS: যদি হয়ে থাকে তাহলে সেই short-term plan কি, তা কি দয়া করে বলবেন?

The Hon'ble Shri CHARU CHANDRA BHANDARI: একটা বোর্ড করা হয়েছে এবং কোথায় এই ট্রেনিং স্কুল খোলা হবে, কি ভাবে ট্রেনিং দেওয়া—এ সবই স্থির হয়েছে। একটা সংখ্যা ৫০ বা ১০০ আগে ঠিক করে তারপরে কয়েকটা স্কুল খোলা হবে। এই রকমভাবে একটা tentative plan করা হয়েছে।

Sri KANAILAL DASS: যাঁরা এই লাইনের Expert আছেন তাঁদের নাম দিতে আপত্তি আছে কি?

The Hon'ble Shri CHARU CHANDRA BHANDARI: এটা এখনি বলতে পারব না। নোটিশ চাই।

Number of primary schools required for introduction of Primary Education.

*4. **Sri KANAILAL DASS:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the Table a statement showing—

(a) সমগ্র পশ্চিম বাংলার বুনিয়াদী শিক্ষা প্রতিষ্ঠার জন্য কতগুলি বুনিয়াদী বিদ্যালয়ের প্রয়োজন; এবং

(b) সেজন্য কত শিক্ষক ও কি পরিমাণ অর্থের প্রয়োজন?

The Hon'ble Shri CHARU CHANDRA BHANDARI (on behalf of the Hon'ble Dr. P. C. Ghosh): (a) The exact number has not yet been calculated.

(b) The number of teachers and the amount of expenditure will depend upon the number of schools.

Government scheme for introduction of Basic Education.

*5. **Sri KANAILAL DASS:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state সরকার কত বৎসরে সমগ্র পশ্চিম বাংলার বুনিয়াদী শিক্ষা প্রতিষ্ঠা করিতে পারিবেন বলিয়া আশা করেন?

(b) এজন্য বার্ষিক কতজন শিক্ষককে শিক্ষকতা শিক্ষা দেওয়া প্রয়োজন?

(c) এ বিষয়ে সরকারী পরিকল্পনা কি?

(d) যদি কোন পরিকল্পনা থাকে তাহা হইলে তাহাকে কার্যকরী করিবার জন্য কি ব্যবস্থা অবলম্বন করা হইয়াছে?

(e) যদি না থাকে তাহা হইলে এখনও কোন পরিকল্পনা রচিত না হওয়ার কারণ কি?

The Hon'ble Shri CHARU CHANDRA BHANDARI (on behalf of the Hon'ble Dr. P. C. Ghosh): (a) It is difficult to predict the future, but if sufficient funds are available and progress is unhampered it will take about 10 years to cover the whole of West Bengal with the requisite number of basic schools.

(b) The number of teachers to be trained for this purpose will increase in arithmetical or geometrical progression according to the rate of increase of training schools and the rapidity with which we can recruit suitable teachers.

(c) Government intends to start training schools in the first instance and also to utilise the existing non-official training schools in order to train basic school teachers. Afterwards when there are sufficient number of training schools from which competent trainers can be selected, Government intends to start a Training College.

(d) Some teachers have already been sent to Sevagram for a course of training and they are expected to start two training schools about the middle of 1948. About 50 teachers have also been selected for training at Balarampur Basic Training Centre.

(e) The question does not arise.

Formation of Basic Education Board.

*6. **Sri KANAILAL DASS:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state বুনিয়াদী শিক্ষার সুষ্ঠু পরিচালনার জন্য পশ্চিম বাংলা সরকার একটি বুনিয়াদী শিক্ষা বোর্ড গঠন করিবার কথা ভাবিয়াছেন কি?

(b) যদি ভাবিয়া থাকেন, তবে এরূপ কোন বোর্ড গঠন করা হইয়াছে কি?

(c) যদি হইয়া থাকে, তবে কবে এবং কাহাদের লইয়া এই বোর্ড গঠিত হইয়াছে?

(*d*) এই বোর্ডের সভ্যদের বুনিয়াদী শিক্ষা সম্বন্ধে কি অভিজ্ঞতা আছে?

(*e*) কি নীতি অনুসারে বোর্ডের সভ্য নির্ব্বাচন করা হইয়াছে এবং বোর্ডের হাতে কি ক্ষমতা ও দায়িত্ব অর্পণ করা হইয়াছে?

The Hon'ble Shri CHARU CHANDRA BHANDARI (on behalf of the Hon'ble Dr. P. C. Ghosh): (*a*) and (*b*) Yes.

(*c*) The Board was formed on 21st September, 1947, with the following members:—

(1) The Hon'ble Dr P C. Ghosh, Education Minister, *Chairman*.

(2) Sri Asha Aryanayakam, Secretary, Hindusthani Talimi Sangha.

(3) Labanyalata Chanda, President, Bengal Talimi Sangha.

(4) Sri Sucheta Kripalani, Member, Hindusthani Talimi Sangha

(5) Dr (Mrs) Maitreyi Bose, Secretary, Save the Children Committee, A I.W C , Bengal.

(6) Sri Jamuna Ghosh, Secretary, Bengal Talimi Sangha

(7) Sri Panchanan Bose, Secretary, B P.C C Constructive Work Sub-Committee

(8) Sri Priyaranjan Sen, Secretary, Harijan Sevak Sangha, Bengal.

(9) Secretary, Education Department (*Ex-officio*)

(10) Director of Public Instruction, West Bengal (*Ex-officio*)

(11) Special Officer, Basic Education-Member-Secretary (*Ex-officio*).

Four more members will be taken in.

(*d*) All members are interested and experienced in Basic Education

(*e*) The principle of selection of the members will be obvious from their designations The exact power to be vested in this Board is still under consideration

Sri HARENDRA NATH DOLUI: এই যে Basic Education Committee form করা হয়েছে এঁরা কি খবরের কাগজে বা মেম্বারদের এক কপি করে পাঠিয়ে জানাবেন যে এই Basic Education কি এবং কি ভাবে তৈরী করা হচ্ছে?

The Hon'ble Shri CHARU CHANDRA BHANDARI: সেটা কমিটি ঠিক করবেন।

Mr. ABDUR RAHMAN SIDDIQI: Does the Hon'ble Minister propose to take into consideration the education of boys other than Hindu or Sikh or Anglo-Indian or any other I mean for Muslim education?

The Hon'ble Shri CHARU CHANDRA BHANDARI: Basic Education Schemeএ জাতিবর্ণনির্বিশেষে সকলেই শিক্ষিত হবে। হিন্দু, মুসলমান, খৃষ্টান এবং পুরুষ, স্ত্রীলোক যে আসবে সকলেই শিক্ষিত হবে। অতএব এই Basic Educationএর ব্যাপারে এই প্রশ্ন উঠে না।

Mr. ABDUR RAHMAN SIDDIQI: Does the Government propose to put in any Muslim members on this Committee?

The Hon'ble Shri CHARU CHANDRA BHANDARI: কোন মুসলমান মেম্বার নেওয়া সম্পর্কে গভর্ণমেণ্টের কোন আপত্তি নেই। এখন যে বোর্ড গঠিত হয়েছে, তাঁরা পরে বিবেচনা করে কি করবেন ঠিক করবেন।

Mr. ABDUR RAHMAN SIDDIQI: There are four vacant seats. Would the Government consider the advisability of allowing the Muslims also to have a say on basic education?

The Hon'ble Shri CHARU CHANDRA BHANDARI: যদি উপযুক্ত কোন মেম্বার পাওয়া যায় মুসলমানই হোন বা যে-ই হোন্ তাঁকে নেওয়া হবে, এ বিষয়ে কোন সন্দেহ নেই।

Mr. ABDUR RAHMAN SIDDIQI: Does he think that there are no Muslims available in the whole of West Bengal who can be of some service to the country on this problem?

The Hon'ble Shri CHARU CHANDRA BHANDARI: সে কথা গভর্ণমেণ্ট মনে করেন না। তবে কোন মুসলমান Basic Education বোঝেন বা তাতে interested কিংবা তার উপযোগী কিনা—গভর্ণমেণ্ট তা অবগত নন্। কিন্তু গভর্ণমেণ্ট এ কথা মনে করেন না যে কোন মুসলমান এ কাজের উপযুক্ত নন্।

Sri KANAILAL DAS: যে সমস্ত নাম দেওয়া হয়েছে তারপরে আরও ৪ জন নেওয়া হবে; এই সব selection কারা করেছেন?

The Hon'ble Shri CHARU CHANDRA BHANDARI: এই selection গভর্ণমেণ্ট করেছেন।

Sri KANAILAL DAS: ঐ ৪ জন যে বাকী আছেন তাঁদের কি গভর্ণমেণ্ট select করবেন? বাংলাদেশে শিক্ষিত scheduled caste সংখ্যায় অনেক, তাদের মধ্যে একজনকেও নেওয়া হয়নি কেন?

The Hon'ble Shri CHARU CHANDRA BHANDARI: কেন নেওয়া হয়নি এ প্রশ্নের উত্তর এখনি দেওয়া শক্ত।

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble Minister kindly explain whether this basic education is intended to help more backward class or classes that have already got the benefit and advantage of education?

The Hon'ble Shri CHARU CHANDRA BHANDARI: Basic Educationএ সকল শ্রেণীই উপকৃত হবে। যদি Hon'ble Member Basic Educationএর মূল নীতি দেখতেন তাহলে তিনি একথা বলতেন না। কারণ Basic Education একটা method of training অর্থাৎ শিক্ষার একটা প্রণালী মাত্র। অর্থাৎ আমরা বই পড়ার মধ্য দিয়ে যে জিনিষ শিখি সেটা কাজের মধ্য দিয়ে শিখব এই হচ্চে কথা। অতএব এর দ্বারা সকলেই benefited হবে। যে শিক্ষা আসবে তার মধ্যে কোন অনগ্রসর শ্রেণী বা একপ কিছু থাকবে না। এরদ্বারা শিক্ষাপ্রণালী অত্যন্ত সহজ হবে এবং অনগ্রসর শ্রেণী যাঁরা আছেন তাঁরা এর দ্বারা বেশী উপকৃত হবেন। কোন শ্রেণীর প্রতি একটা বেশী ঝোঁক থাকবে না। এটা একটা শিক্ষাপ্রণালীর পরিবর্ত্তন মাত্র।

Sri KANAILAL DAS: মাননীয় মন্ত্রীমহোদয় বলবেন কি—যে সমস্ত নাম দিয়েছেন answer (c)তে—এতে দেখা যায় সব কয়জনই গভর্ণমেণ্ট কর্ত্তৃক মনোনীত হয়েছেন। এটা কি খালি দলগত ব্যাপারের দিকে লক্ষ্য রেখে করা হয়েছে, না অন্যভাবে হয়েছে?

The Hon'ble Shri CHARU CHANDRA BHANDARI: এটা শিক্ষার ব্যাপার। এতে কোন দলগত প্রশ্ন নেই,—নাম থেকেই তা বুঝতে পারবেন। অর্থাৎ শিক্ষা সম্পর্কে যাঁরা উপযোগী—তাঁদের গ্রহণ করা হয়েছে।

Mr. SPEAKER: Questions over The next business is the West Bengal Black Marketing Bill, 1947 I should like to know whether in view of the paucity of members present in the House, the House wants to proceed with the Bill or whether the intention of the House is to adjourn the House till tomorrow.

Sri BIMAL COMAR GHOSE: Sir, there is one difficulty. All the amendments have been proposed by one honourable member and that honourable member is not present today

The Hon'ble Dr. SURESH CHANDRA BANERJI: আমার মতে এ সব কাল হওয়া উচিৎ।

Mr. SPEAKER: In view of the sense of the House I adjourn the House——

Mr. ABDUR RAHMAN SIDDIQI: Sir, what decision has the House taken? You cannot close the House. If there is a quorum at the beginning when the Assembly meets, nothing should stop it and I would

respectfully urge upon you the necessity that we must go on with our work. If a gentleman has not come and there are amendments in his name, that is his look out and not that of the House. I would, therefore, respectfully request you to carry on with the work of the House. I do not think we have given a decision about it.

Sri BIMAL COMAR GHOSE: Mr. Speaker, Sir, it appears that Mr Siddiqi had not been present on certain previous occasions when we had to adjourn the House under similar conditions. Then also the House had quorum but not sufficient number of members was present for reasons for which they were not responsible and they could not come even if they wanted to. The House would have sat at 3-45 p.m. today, but we met at some minutes past five and the members could not be expected to know when they had come here that the House would meet at five. It would be extremely unfair in the circumstances in which the House has met today to continue any legislative business today.

Mr. SPEAKER: In view of the fact that this Bill is a very important one and in view of the fact that members have not been able to come to the House in their proper numbers, I think it desirable that this Bill should not be considered today I therefore adjourn the House till 3-45 p.m. tomorrow This business will be carried over to tomorrow.

Adjournment.

The House was accordingly adjourned at 5-26 p m till 3-45 p.m. on Wednesday, the 10th December, 1947, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 10th December, 1947, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Shri ISWAR DAS JALAN) in the Chair, 8 Hon'ble Ministers and 35 members

STARRED QUESTIONS

(to which oral answers were given)

Potato seeds.

***7.** (SHORT-NOTICE QUESTION) **Sri SUKUMAR DUTT:** (ক) মাননীয় কৃষি বিভাগের মন্ত্রী মহাশয় জানাইবেন কি, এবার আজ পর্য্যন্ত কত হাজার মণ আলুবীজ সংগ্রহ করা হইয়াছে?

(খ) মাননীয় মন্ত্রী মহাশয় ইহা জানাইবেন কি যে পশ্চিম বাংলার চাষীদের কত হাজার মণ আলুবীজ প্রয়োজন?

(গ) মাননীয় মন্ত্রী মহাশয় জানেন কি যে এ বৎসর আলুবীজ বন্টনের দোষে চাষীদের বহু লক্ষ টাকার ক্ষতিসাধন হইতে বসিয়াছে, বিশেষ করিয়া হুগলি জেলার চাষীদের, যেখানে বহু চাষী শুধু আলু চাষের উপর জীবিকা নির্ব্বাহ করে?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Sri Hem Chandra Naskar): (ক) ১৯৪৭ সালের ৪ঠা ডিসেম্বর পর্য্যন্ত গভর্ণমেন্টের সাক্ষাৎ তত্ত্বাবধানে মোট ১০৫,০০০ মণ। ইহা ছাড়া ব্যবসায়ীগণের ও অন্যান্যের চেষ্টায় আনুমানিক ৫০,০০০ মণ।

(খ) নিজ প্রদেশে উৎপন্ন আন্দাজ ৬½ লক্ষ মণ এবং অন্যান্য স্থান হইতে আমদানী আন্দাজ ২½ লক্ষ মণ।

(গ) গভর্ণমেন্ট অবগত আছেন যে যথেষ্ট পরিমাণ আলুবীজ অভাবে এবার বহু চাষীর বহু লক্ষ টাকার ক্ষতি হইবার সম্ভাবনা কিন্তু এই ক্ষতি প্রধানতঃ বিভিন্ন স্থান হইতে চেষ্টা সত্ত্বেও যথেষ্ট পরিমাণ আলুবীজ না পাওয়ার জন্যই ঘটিয়াছে, বন্টনের দোষে নহে। এ বিষয়ে বিশদ বিবরণ পূর্ব্বেই সাধারণের অবগতির জন্য প্রকাশ করা হইয়াছে। মাননীয় সদস্য মহোদয়গণের অবগতির জন্য উক্ত বিবরণীর একখণ্ড নকল সভার পুস্তকাগারে রাখা হইয়াছে।

Extension of Bus route Nos. 2 and 2A.

***8. Sri ASHUTOSH MALLICK:** (*a*) Will the Hon'ble Minister in charge of the Home (Transport) Department be pleased to state whether it is a fact that the route of Bus No. 2 and 2A which plied between Shambazar and Gariahat Road Junction has subsequently been cancelled?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Will the Hon'ble Minister be pleased to state whether memorials have recently been submitted to Government for resumption of the route up to Gariahat Junction?

(*d*) If the answer to (*c*) is in the affirmative, does the Hon'ble Minister consider the desirability of resuming the route up to Gariahat Junction?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Dr. P. C. Ghosh): (*a*) The permit extending the route from Lansdowne Road Junction to Gariahat Road Junction was temporarily suspended.

(*b*) Extension was granted provisionally by the Secretary of the Regional Transport Authority. It was, on receipt of objections from local residents, suspended pending hearing of both sides by the Regional Transport Authority. The objectors have been heard on 20th November, 1947, their objections overruled, and the route extended up to Gariahat Road Junction by the Regional Transport Authority.

(*c*) Yes.

(*d*) This has already been done

Sri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the route has been extended alongside the lake or round Lansdowne Road Extension and Rashbehari Avenue up to the terminus?

The Hon'ble Dr. P. C. GHOSH: I want notice

Sri NIHARENDU DUTT-MAZUMDAR: Has the Hon'ble Minister got any information as to whether in connection with the investigations on the spot regarding extension of the bus route there was some amount of rowdyism displayed by those who had collected there in connection with the investigations?

The Hon'ble Dr. P. C. GHOSH: I want notice

Sri NIHARENDU DUTT-MAZUMDAR: Is he aware that some respectable persons of the locality were insulted and nearly man-handled in connection with these investigations?

The Hon'ble Dr. P. C. GHOSH: I want notice

Sri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he has actually investigated if any complaints in connection with the extension of this route *via* alternative ways have come to his office?

The Hon'ble Dr. P. C. GHOSH: I also want notice for this

Sri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Commissioner of Police in connection with the extension of this route had invited written representations regarding objections or otherwise from the local residents?

The Hon'ble Dr. P. C. GHOSH: I want notice

Revision of pay of Government servants.

*9. **Mr. MD. KHUDA BUKHSH:** (*a*) With reference to the reply given to starred question No 66 on 28th September, 1946, by the then Chief Minister of Bengal, regarding standardisation, rationalisation and revision of pay of Government servants, will the Hon'ble Minister in charge of the Finance Department be pleased to state whether the inquiry referred to therein has been completed?

(*b*) If the reply to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Is the Hon'ble Minister considering the desirability of expediting the work and giving relief to the ill-paid servants of the Government without any further delay?

(*d*) Is the Hon'ble Minister aware that the Dominion Government has already given effect to the recommendation of the Pay Commission established by the Government of India?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Sri Annada Prasad Chowdhury): (*a*), (*c*) and (*d*) Yes.

(*b*) Does not arise.

Mr. MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state when the enquiry was completed?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: The enquiry was completed by April and the last *ad interim* grant was given from the 7th July, 1947.

Mr. MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state what are the recommendations of the Enquiry Committee?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: I want notice. I have not got the papers with me

Mr. MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state the possible date when Government are likely to give effect to the recommendations of the Enquiry Committee?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: The whole question is being examined and we propose to give effect to it by early January in our own way—not on the basis of the recommendations of the previous Government

Mr. MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state whether Government proposes to give retrospective effect and, if so, from which date?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: It will be given from the 1st January—not with retrospective effect.

Sri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether he is considering the increase of pay only with regard to the low-paid servants or whether he is considering the increase of pay with regard to Government servants including higher paid staff?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: The whole case is being examined and the limit has been put at two stages—one is up to a salary of Rs. 300 and the other up to a salary of Rs. 500. The total cost of Government will be examined and the scale of pay is not going to be beyond Rs. 500 in any event

Sri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to introduce scales of salaries so that the salary of the highest paid Government official shall not exceed that of the Prime Minister of the province?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: It is being examined, but in certain cases our hands are bound by rules of the Government of India and the previous commitments of the Secretary of State.

Sri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state by what margin does the rate of pay drawn by high-paid Government officials exceed the amount of pay drawn by the Prime Minister of the province?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: It is very difficult to say now.

Sri NIHARENDU DUTT-MAZUMDAR: Does it happen so in many cases?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: It might or it might not.

Mr. MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state whether the recommendations are the same as those of the Pay Commission of the Government of India?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: I cannot definitely say, but it will very nearly approach that.

Mr. MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state whether Government propose to sanction increased rate of dearness allowance to Government servants?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: The whole thing is being reviewed and probably the scale of pay which we propose to pay might include the dearness allowance and there will be no necessity of any extra dearness allowance being granted.

Sri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether they have come to any decision about the recommendation of the Pay Commission that the maximum scale of pay will not be more than Rs. 1,000 per month?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: That is not probably provided in the Pay Commission's Report. The Pay Commission's Report deals with the increase which is to be allowed, and the increase to be allowed will be allowed only of scales up to Rs. 500.

UNSTARRED QUESTIONS

(answers to which were laid on the table.)

Recognition of training schools for Basic Education.

1. Sri KANAILAL DASS: Will the Hon'ble Minister in charge of the Education Department be pleased to state

(*a*) বুনিয়াদীশিক্ষণ শিক্ষালয়কে সরকারী স্বীকৃতিদান সম্পর্কে নীতি কি?

(*b*) বলরামপুরের বুনিয়াদীশিক্ষণ শিক্ষালয়কে সরকারী স্বীকৃতি দেওয়া হইয়াছে কি?

(*c*) হইয়া থাকিলে কবে, কাহার দ্বারা, কোন্ কোন্ যোগ্যতার ভিত্তিতে এই স্বীকৃতি দেওয়া হইয়াছে?

(*d*) অন্য কোন প্রতিষ্ঠান অনুরূপ শিক্ষালয় খুলিবার জন্য আবেদন করিয়াছেন কি?

(*e*) করিয়া থাকিলে সে সম্পর্কে সরকার কি সিদ্ধান্ত করিয়াছেন?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Dr. P. C. Ghosh): (*a*) Government will recognise any training school which is approved by the Hindusthani Talimi Sangha.

(*b*) and (*d*) Yes.

(*c*) By the Education Minister on the ground that it has been approved by the Hindusthani Talimi Sangha.

(*e*) The matter has been referred to the Hindusthani Talimi Sangha and if they approve of this new training school, Government will recognise it.

Commencement of training work by persons trained in Balarampur Training School.

2. Sri KANAILAL DASS: Will the Hon'ble Minister in charge of the Education Department be pleased to state বলরামপুর শিক্ষণ শিক্ষালয় হইতে শিক্ষালাভ করিয়া যে সকল শিক্ষক বাহির হইয়া আসিবেন তাঁহারা কখন কাজ আরম্ভ করিবেন?

The Hon'ble Dr. P. C. GHOSH: About the end of December, 1948, or in the beginning of January, 1949.

Point of Privilege.

Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I rise on a point of privilege. The time for giving amendments to the Calcutta Municipal Act and other Acts was fixed at 11 a.m. today. You might know, Sir, that because of untoward happenings many of the members could not come to the Assembly and table amendments. Therefore I beg of you to relax the orders that you have already given and to give us some more time for tabling amendments to the Calcutta Municipal Act and all those Acts amendments to which were scheduled to be given by 11 a.m. today.

Mr. SPEAKER: Has anybody any observation to make about it?

Mr. MUDASSIR HOSSAIN: I quite agree with my friend, Mr. Sinha.

Mr. SPEAKER: In view of the objection raised, time will be given for sending amendments till tomorrow at 11 a.m. Calcutta Municipal Bill will be considered tomorrow

Point of Information.

Sri NIHARENDU DUTT-MAZUMDAR: On a point of information, Sir. The difficulty mentioned by my friend relates, I suppose, to the obstruction placed at the gate in the way of members coming into the Assembly House. Are you aware, Sir, or have you received any written representation from the demonstrators or from any section of the public with regard to any matter to tell you and through you to the members of this House as to what the reasons are for the demonstration, whether any representation has been received by the Hon'ble Speaker of this House?

Mr. SPEAKER: No

Demonstration outside Assembly Compound.

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, while we are on this subject of obstructionists and demonstrators, I should like to draw your attention to the fact that members are being obstructed from entering into this House. Yesterday many members came and had to go back because they could not gain entry into the House. Today also people who had succeeded in coming in probably had to face brickbatting and all kinds of derisive shouts, and in an attempt to come into this House, an honourable member of this House has lost his eye-glass. I should like to ask the Hon'ble Minister in charge of the Home Department through you, Sir, what arrangements, if any, he has contemplated to ensure safe entry of the members into this House and their going out. Sir, in this connection interesting observations are being made inside the Chamber as well as outside. Who are these obstructionists? Who are staging these demonstrations? Are they those who have come here to voice their resentment to the passage of the Security Bill? If so, who are they? It should be within the power of the Government to find out who they are, and if they have any legitimate grievance, Government should be prepared to listen to them and not subject the honourable members of this House to rough-handling. Sir, you are the custodian of the privileges of members of this House and I appeal to you that you will try and pursuade Government to give us safe conduct.

Mr. SPEAKER: May I know whether Government want to say anything?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Speaker, Sir, yesterday very unhappy things took place. Members were prevented from coming to this Assembly in the name of civil liberty. They want civil

liberty for themselves but they do not want to allow the legislators to have at least that minimum civil liberty to come to the legislature and pass legislation. I do think that it is intimidation pure and simple and no Government can tolerate intimidation. My friend, Mr. Khuda Bukhsh, has said that he saw brickbatting today. They are heading for a trouble and they want chaos in this country. They are using brickbats, and then if the Police retaliates, they will begin to weep and they will begin to say "oh ho, this Government is so unkind, this Government is so cruel that they have shot and this and that." But violence, if it is exercised by the people in this way, then where is the remedy? And if they want to intimidate the legislators, I do not think there is any other remedy but to put them in prison or to take proper steps. I can assure Mr Khuda Bukhsh that our Government will take proper steps to see that the way is clear for the members and that not a single person can come this side and create trouble. This is nothing but pure and simple intimidation No Government can submit to this bullying tactics.

I also want to say one thing They said that they had objection to this Security Bill. Yesterday anti-black market Bill was there. I have even heard that some people who do not even understand what is meant by Security Bill were brought in here, I think with the money of some black-marketeers. I do not know whether they wanted to stop this Black Marketing Bill. It may be quite possible There is a sort of combination—all kinds of combination—during these past few days of black marketeers and so-called oppositionists to this Security Bill If they want to serve their purpose, this is not the way. They are to convince the legislators and not to coerce them If the legislators can be coerced, they do not deserve the place they occupy So this is not the way Mr. Khuda Bukhsh has said whether I met the representatives. I met two batches of students' representatives day before yesterday I tried to convince them, even if I failed to convince them this is not the way of doing things. They have every right to oppose this Bill. They are holding meetings in Wellington Square, on the Maidan and everywhere. We are not opposing them But here we want to come to the legislature and they want to throw stones against us. Mr Khuda Bukhsh has said that one member has lost his eye-glass. This is pure and simple hooliganism and goondaism and no Government can tolerate this hooliganism and goondaism in the cloak of civil liberty Is that the civil liberty that they are contemplating? This is sufficient justification, I should say to the honourable members, for bringing this Bill before this House. That is the reason why I want more special powers and why you should give me more special powers. And I appeal to the saner section of the public also not to encourage it, and I am sure the saner section of the public do not at all support this hooliganism Yesterday 300 or 400 or at the most 500 people were there Today also they are about that number. In the city of Calcutta there are four or five million people, and is it impossible for any black marketeers to bring 500 people? If 500 people can coerce the representatives of the whole of West Bengal, then I say good bye to all orderly progress in this country, and in that case all must say with one voice that we cannot tolerate this. It is said that the students are making this demonstration, but I know that in many colleges the students are not, even by a majority, joining these demonstrators. In Calcutta there are many thousands of students, and if some students come and say that they represent the students I think nobody will accept them as such. I know, Sir, that the students, as a rule, are orderly and will remain orderly, but if some of them want to coerce the people in this way—supposing they throw stone and it falls on the head of Mr. Khuda Bukhsh—I hope it will not—nobody knows what will happen: that may even lead to communal troubles. If these things are allowed to happen we do not know where we shall be. I feel that we are rather in a house full of gun powder. Somehow or other we shall have to stop communal massacre in Bengal and let us hope none of us will encourage these things, for by encouraging these things there can be no orderly government, whether we are here or others are here. I know

there is a deep-laid conspiracy to put the Government to a wrong. If these demonstrators throw stones because they have stones near about and the police men are hurt, they may retaliate because they are well-armed and have got rifles and revolvers with them. Violence is always cowed down by greater violence. Therefore I appeal to all sections of the people not to take recourse to violence. They may say that this Bill is not good and may make peaceful demonstration. I may take into cognisance their sincere expression of views against the Bill. I admire the courage of conviction of those who come out of conviction. But I doubt their wisdom at this stage. They are not the people who can control the destinies of the country at this critical juncture by asking school boys who are mere political urchins to coerce the members of the legislature to pass or not to pass a bill. They cannot be allowed to do so. I may assure the honourable members that they will be given sufficient protection while coming to the legislature though, I am sorry, sufficient protection could not be given to them yesterday or today.

Mr. MD. KHUDA BUKHSH: Sir, we do not want sufficient police protection. What we want is that these demonstrations should not be held.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I am not in friendly terms with these demonstrators. I hope if all sections of the public are roused to a sense of citizenship and believe in the civil liberty of all others, they can stop these demonstrators from coming here. But if the demonstrators come here and pelt stones, what is the remedy for me except meeting that violence with greater violence? I hope they will listen to this friendly advice of mine—I am their friend But I know there are some persons who are doing this out of some mischievous motive They do not want an orderly Government in the country. They want to fish in troubled waters, and if any chaos comes they only will profit by it. So they are trying to create this trouble If there is orderly government in the country, they have no occupation. So they are doing all this. If they behave and oppose the Bill in an orderly way, I have nothing to say because I do not expect that everybody will always support the Government in all matters. That cannot be expected in any country They are even open to convince the members on this side.

Shaik MUHAMMAD RAFIQUE: No, not on that side: they are convinced

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Rafique says that this side is convinced and the other side is not. I don't think so They can convince both the sides. If they want to, then of course they can do it. But this is not the way to convince them. It is the Nazi method of 500 or 1,000 people coming and trying to capture power. That will not do. Hitler has spoilt Germany and the followers of the Hitlerian doctrine here will ruin West Bengal So for orderly progress of the province and for civil liberty of the people I would appeal to you all and to the public outside as well not to encourage this lawlessness. I hope the public will take proper step and my Government will try its level best to see that these things are not done, and the routes will be completely cleared I do hope Mr. Khuda Bukhsh will pardon me and other members also will pardon me for the inconveniences caused to them.

Mr. ABUL HASHEM: Mr Speaker, Sir, so far as I understood——

Sri BIMAL COMAR GHOSH: On a point of order, Sir. I think it is not the custom of this House to allow any member to make a speech after the Leader of the House has made his statement.

Mr. SPEAKER: Yes. But I do not know what he wants to speak about.

Mr. ABUL HASHEM: Sir, a point of order has already been raised. I may say that the convention and custom of this House that he has referred to is with regard to any resolution or a measure or a bill.

Sri BIMAL COMAR GHOSE: No, no.

Mr. ABUL HASHEM: Sir, I simply wanted to draw your attention that Mr. Khuda Bukhsh wanted an assurance as to what steps, if any, Government has taken to ensure safe entry and exit of the members of this House and he did not raise any discussion on the demonstrators or anything of the kind, or whatever these people may do. So we want a specific reply from the Hon'ble Minister as to what steps he has taken for our safety.

Sri BIMAL COMAR GHOSE: I rise on a point of order, Sir. My point of order is that the statement made by the Prime Minister cannot be discussed in the House.

Mr. SPEAKER: I do not think that there can be any discussion in the House after the statement of the Hon'ble the Minister. A question has been raised by Mr. Khuda Bukhsh about the privilege of members, and the Prime Minister has answered that point. As this is a question of privilege of the members of the House to be allowed to enter into the House and depart in safety, I believe it is a question about which I am entitled to say a few words.

Day before yesterday I made an appeal that whatever might be the grievances of any section of the people and whatever might be the policy of the Government, it was desirable that so far as this House was concerned it should be allowed to proceed unimpeded. That appeal, unfortunately, has not been responded to. On the contrary what I find today is that members have not been allowed to enter into the House in order to carry on the proceedings of this House by force. As a matter of fact I myself was denied entrance and I had to seek another route by which I could come in. The position is extremely serious and I have not seen the like of it during the period that I have been in this House. It is impossible for any Government to function for one moment if its highest Parliament is not allowed to proceed unhampered and uninterfered with. I shall like again to appeal to the leaders of public opinion and to all the members of this House to exercise their utmost influence and to see that this episode comes to an end. If the public opinion be sufficiently strong I have no doubt whatsoever that we shall not see the repetition of this painful episode.

As a matter of constitutional privilege I will also like to draw the attention of the House to certain conventions which have been established by the House of Commons, the Mother of Parliaments. I have already stated that we are now functioning in a free India and the representatives of the people are in this House. If they do something wrong there are remedies for the purpose but certainly to prevent the egress and ingress of the members to this House by violence, by intimidation or by any other forcible method is absolutely unconstitutional, and I shall once more appeal to them that they should desist from this path in the interest of freedom of our country.

I cannot resist my temptation of citing one or two authorities on this point with a view to lay emphasis upon this valued privilege of the members of this House. The House of Commons on 26th January, 1696 and 27th February, 1699, resolved that the inciting and encouraging any number of persons to come in a riotous, tumultuous or disorderly manner to this House in order either to hinder or promote the passing of any bill or other matters pending before this House, being against the constitution and freedom of parliament, is a high crime and misdemeanour.

On 6th June, 1780, the Commons resolved that the taking possession of the lobby and the avenue to this House by a large and tumultuous assembly

of people, and maintaining the same, to the great obstruction of the business of this House, though frequently desired by the Serjeant at Arms attending this House and by several members to withdraw, was a high violation of the privilege of this House, tended to control the freedom of debate and was a gross and notorious insult on the dignity and constitution of Parliament.

The Commons, on 12th April, 1733, and the Lords on 17th May, 1765, resolved that the assaulting, insulting or menacing any member of this House in his coming to or going from the House or upon the account of his behaviour in Parliament, is a high infringement of the privilege of this House, a most outrageous and dangerous violation of the rights of Parliament and a high crime and misdemeanour.

I need not quote anything further. Though we have not as yet settled the privileges of this House, still we have got to be guided by the privileges which by long-standing tradition and convention still rule the civilized world.

In conclusion, I once more appeal to the members to exercise their influence and to see that this House functions.

Now the Hon'ble Mr. Charu Chandra Bhandari wants to make a statement on food policy.

Statement on West Bengal Government's Foodgrains Policy.

The Hon'ble Sri CHARU CHANDRA BHANDARI: Sir, I beg to announce West Bengal Government's foodgrains policy next year which has been decided upon with the concurrence of the Government of India. It has been decided by the Government of West Bengal to deration Asansol and Kharagpur with effect from 1st January, 1948. Movement of rice and paddy into Asansol and Kharagpur rationed areas will be allowed with immediate effect. Modified rationing in all districts will be discontinued with effect from 1st January, 1948, except in the districts of Howrah, Hooghly, Darjeeling and Jalpaiguri. In other places and in other respects control will continue for the present as before. Procurement will be confined to the districts of West Dinajpur, district of Murshidabad, west of river Jalangi, Bashirhat subdivision and the police-stations of Kakdwip, Sagar, Jainagar, Kulpi and Mathurapur of 24-Parganas, districts of Burdwan, Birbhum, Bankura and Midnapur and the district of Malda. Each of the above groups of areas will be considered as one area for the purpose of cordoning. No embargo will be placed on the movement within the province in other areas but export from the province will be banned.

The procurement price of paddy and rice has been increased—it was already announced in the press. Wheat product will continue to be supplied by the Government throughout the province according to availability. It is hoped that hoarding and profiteering will be avoided by all concerned. Should however supplies in any decontrolled area be jeopardised by hoarding and profiteering, Government will not hesitate to re-impose control.

GOVERNMENT BILL.

The West Bengal Black Marketing Bill, 1947.

The Hon'ble Sri CHARU CHANDRA BHANDARI: Sir, I beg to move that the West Bengal Black Marketing Bill, 1947, be taken into consideration.

এই প্রস্তাব উত্থাপন করতে গিয়ে এই বিলটা কেন আনা হয়েচে সেই সম্বন্ধে দু-চারটে কথা আমি বলতে চাই। মনুষ্যজীবনের পক্ষে অত্যন্ত প্রয়োজনীয় যে জিনিস তার যদি উৎপাদন কম হয় তাহলে সেই জিনিসের সুষ্ঠু বণ্টনের জন্য control এর প্রয়োজন আছে। এই control প্রথাটি থেকে যে সমস্ত উপকার হবার কথা সেটা যখন হয় না তখন দেখা যায় সেটা না হওয়ার পথে সবচেয়ে বড় বাধা, সবচেয়ে

বড় প্রতিবন্ধক হচ্ছে—চোরাকারবার। চোরাকারবার থাকার জন্যই জিনিস পাওয়ার অসুবিধার মধ্যেও যতটুকু সুবিধা দেশের লোকদের দেয়ার কথা সেটুকুও দেয়া সম্ভব হয় না। সুতরাং চোরাকারবার দমনের জন্য কঠোর আইনের প্রয়োজন আছে।

কোন কোন মহল থেকে এই কথা বলা হয় যে চোরাকারবার দমনের জন্য আইন রয়েছে, কিন্তু সরকারী কর্ম্মচারীদের শৈথিল্য আর নিষ্ক্রিয়তার জন্যই এটা দমন হয় না। কোনো কোনো জায়গায় হয়ত সরকারী কর্ম্মচারীদের শৈথিল্য বা নিষ্ক্রিয়তার জন্য ধরপাকড় হতে পারে না, কিন্তু আমি আমার প্রত্যক্ষ অভিজ্ঞতা হতে দেখেছি ধরপাকড় হয়েও বর্ত্তমানে যে আইন আছে তাতে এমন ফাঁক আছে যার ফলে কাউকে এনে সাজা দেয়া যায় না। চোরাকারবারের সম্বন্ধে যে কথা, খাদ্যে ভেজাল সম্বন্ধেও সেই কথা। খাদ্যে ভেজাল দেয়ার ব্যাপারেও আইনের এমন ফাঁক আছে যার ফলে অপরাধী বলে জেনে যাদের ধরা হয়েছে, যাদের নাকি প্রকৃতই অপরাধী বলে আমরা জানছি তাদেরও সাজা দেয়া সম্ভব হয়নি। এসমস্ত কথা আরো স্পষ্ট করে বলতে পারতাম, কিন্তু তাতে যে সমস্ত case sub-judice (বিচারাধীন) আছে, তাদের সম্বন্ধে আলোচনা করা হবে এবং সেটা বিধিবহির্ভূত কাজ হবে বলে এখানে সে আলোচনা আর করতে চাইনে। কিন্তু এইটুকু বলতে পারি আইনে যে ফাঁক আছে শুধু তাই নয় আইনে এমন আছে যে যার জন্য দিনের পর দিন চলে যায়, মাসের পর মাস চলে যায়, অপরাধীদের শাস্তি দিতে হলে কোন রকম ব্যবস্থাই করা যায় না। এই চোরাকারবার শুধু যে বণ্টন প্রথা ও নিয়ন্ত্রণ প্রথাকে বিপর্য্যস্ত করে তা নয়, সমস্ত জীবনকে নিম্নস্তরে টেনে আনে। এজন্যই কঠোর আইনের প্রয়োজন আছে। এবং এই বিলেতে সেই সবল আইনের বিধান করা হয়েছে।

সর্ব্বপ্রথম একটা কথা এই যে এই চোরাকারবার যে কি, এর সংজ্ঞা কি, কোন কোন অপরাধমূলক কার্য্য চোরাকারবারের মধ্যে পড়বে, এ সম্বন্ধে ব্যাপক সংজ্ঞা বিধিবদ্ধ এই বিলে করা হয়েছে, এবং চোরাকারবারীদের শাস্তি বিধান করার জন্য সংক্ষিপ্ত trial বা summary trialএর ব্যবস্থা করা হয়েছে। এবং যেখানে এই রকম summary trial হবে সেখানে শাস্তির এক রকম বিধান করা হয়েছে এবং যেখানে সাধারণ বিধানমতে, ব্যবস্থামতে বিচার হবে, সেখানে আর এক রকম শাস্তির বিধান করা হয়েছে। এবং এই বিলের বৈশিষ্ট এই যে এই আইনে যা ন্যূনতম শাস্তি হতে পারে, তার ব্যবস্থা করা হয়েছে। যেখানে summary trial হবে, সেখানে শাস্তি কখনও এক বছরের কম হবে না এবং তিন বছরের বেশী হবে না। এবং যেখানে সাধারণভাবে বিচার হবে, সেখানে তিন বছরের কম সাজা হবে না এবং সাত বছর পর্য্যন্ত হতে পারবে। এবং এই আইন অনির্দ্দিষ্টকালের জন্য বিধান করা হয়েছে। এবং আর একটা বৈশিষ্ট্য এর মধ্যে আছে। সেটা হচ্ছে এই যে সরকারী কর্ম্মচারীদের কর্ত্তব্যচ্যুতি বা কর্ম্মে অবহেলা (dereliction of duty) দরুণ যেখানে চোরাকারবারী প্রশ্রয় পায় বা সাহায্য পায়, সেখানে সেই সরকারী কর্ম্মচারীদের অপরাধ হবে যে তারা চোরাকারবারের abetment করছে। এবং এই বিলে বিধান আছে যে চোরাকারবারের যে শাস্তি, চোরাকারবারের abetment এও সেই শাস্তি। দ্বিতীয়তঃ সরকারী কর্ম্মচারীদের স্বেচ্ছাকৃত কর্ত্তব্যচ্যুতির জন্য যেখানে চোরাকারবার প্রশ্রয় পাবে, সেখানে সরকারী কর্ম্মচারীদেরও চোরাকারবারীদের শাস্তি বিধানমত শাস্তির বিধান আছে। তারপরের কথা হচ্ছে এই যে অপরাধীদের নিকট bond নেওয়ার ব্যবস্থা আছে যা সাধারণতঃ Criminal Procedure Codeএ বিধান আছে। তারপর কথা হচ্ছে এই যে দেখা গেছে যে চোরাকারবারের যে সামান্য সংজ্ঞা বর্ত্তমান আইনে আছে, তাতে কোন আসামীকে ধরলে bailable offence হওয়ায় সে জামিন দিয়ে বেরিয়ে যায়। আমার নিজের অভিজ্ঞতা থেকে জানি যে চোরাকারবারের অপরাধী বলেছে যে জামিন দিয়ে বেরিয়ে যাচ্ছি, আবার কিছু উপায় করে মামলার খরচটা চালাবার জন্য। সেই কারণে ব্যবস্থা হয়েছে যাতে এই অপরাধ non-bailable করা যায়। এবং তাই যথেষ্ট নয়—একে cognisable করারও বিধান করা হয়েছে।

তৃতীয়তঃ বিচারের জন্য দ্রুত ব্যবস্থা অর্থাৎ খুব তাড়াতাড়ি যাতে বিচার হয়, সে বিধান করা হয়েছে এবং Special Tribunal গঠনের ব্যবস্থা করা হয়েছে। Special Tribunalএ যাঁরা থাকবেন, তারা High Courtএর বিচারক হবার যোগ্যতাসম্পন্ন লোক হবেন বা Sessions Judge or Additional Sessions Judge হবার মত যোগ্য ব্যক্তি হবেন। আর একটা আছে বিশেষ বিধান—আসামী বা অভিযুক্ত ব্যক্তি তাঁদের আত্মপক্ষ সমর্থনের জন্য তাঁরা নিজেরা সাক্ষী হতে পারবেন। তারপর আর একটা বিধান আছে যাতে চোরাকারবারীদের জনসাধারণ জানতে পারে—যাদের

চোরাকারবারের জন্য সাজা হবে, তারা যাতে সমাজের চক্ষে হেয় হয়। সেই জন্য তারা যেখানে কারবার করে, তার সামনে তাদের যে সাজা হয়েছে, সেই notice টাঙিয়ে রাখবার বিধান করা হয়েছে। এটা যদি অপ্রচুর বলে মনে হয়, তবে তাদের কারবারের letter-headএ, তাদের যে সাজা হয়েছে, সেটা লিখে রাখার ব্যবস্থা হয়েছে। এই সমস্ত ব্যবস্থা যে করা হয়েছে চোরাকারবারীদের বিরুদ্ধে—আমি আশা করি এখানে সকলে সর্বসম্মতিক্রমে আমার এ প্রস্তাব গ্রহণ করবেন।

Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I rise to speak a few words in support of the measure that has been brought before this House by the Government. I must really congratulate the Government for the stern ways in which the Government propose to deal with black marketeers. I think, Sir, the West Bengal Government is the first Government to bring a measure of this kind and place it on the statute book. That should be so perhaps in the very nature of things. During the last regime we had seen the flood gates of black marketing being thrown open in a manner perhaps without any parallel in any province of India. That is why it has become necessary to weed out black marketing and to close those flood gates of corruption as early as possible in this province. I must really congratulate the Ministry for the courage it has shown by placing this Bill for the consideration of the House as one of the first measures that it has brought forward. But, Sir, I would also like to speak a few words by way of suggestion to the Ministry, and I think, Sir, I would not be a loyal party man if I do not convey to the Government the sense of frustration that people are likely to have if we rest content merely with the passing of this Act and do not be quick enough in actually putting down black-marketing. There is a genuine feeling, Sir, not merely entertained by the disgruntled elements and fomented by the black marketeers themselves but also by genuine supporters of the Ministry and by the masses in general that, after all, things have become so corrupt that in spite of the best intentions of Government the machinery through which such an Act will be operating—that machinery is so ineffective, so corrupt and so insincere that it may not be possible to weed out black-marketing altogether in spite of all the efforts of the Ministry at the top. They have begun to entertain some sort of cynicism about all these measures I would therefore urge upon the Ministry not to rest content with merely placing this Bill on the statute book but to see that this Act becomes an effective Act and weeds out black market thoroughly and completely from the country. It is unfortunate that there are several cases which are *sub-judice* and we cannot refer to them. But it has become the subject matter of comment by even those people who are not much interested in politics—people who generally rest content with food and clothing and decent living, that from what they have learnt from Press reports they feel that people who have been arrested for maintaining stocks of soap stone have now been found guilty of nothing but possessing a certain inoffensive white substance. That Press report had enough reason to cause dismay even amongst people who are genuine supporters of the Ministry. Again I shall not mention the case of one Sub-Inspector who was dismissed recently by Government and I do not want to rake up the past because the whole episode has been cleared up now. But, Sir, there is a genuine suspicion that the officers who are at the helm of affairs are not above suspicion. They are not all Caesar's wife. I would draw the attention of Government to the point that in their attempt to remove corruption they should not trust the officers merely because they are officers, but should find out what is the record of each officer and also whether the officers really co-operated with the previous black marketeers in their heinous activities, and if so, Government should give them exemplary punishment. It would not be out of place to mention here that Pandit Nehru, after coming out of prison, stated that the black marketeer should be hanged on the next possible tree. We must remember the assertion he made and should not allow his statement to go as an empty threat. If they transgress the law, and if we cannot, as the Government, suspend the operation of

the due process of law we should at least see to it that the operation of the due process of law is at least so stringent that not only the black marketeers but also those officers who have a hand in permitting black marketing are meted out equally harsh treatment and deterrent punishment.

Sir, there has been a change in the character of the Ministry. I find Mr. Siddiqi is not present here today. He used to entertain the House when he was sometimes in the Opposition that the Government was in the habit of seeing the ghost on every tamarind tree. I myself plead guilty to the charge of seeing the ghost on every tamarind tree, and I have even now a genuine apprehension that the ghosts of the old Bureaucracy and the old Imperialism are still hovering in every chamber of Writers' Buildings. It will take time to remove them. Therefore I would like to urge upon the Ministry that in spite of their good intentions there may be a conspiracy and combination between the administration and many of the black marketeers to frustrate the activities of the Ministry. I would suggest that Government should not rest content with merely passing this Bill on to the Statute Book but should take active steps to put it into effective operation. I may again say that there is such cynicism amongst the people today, so much so that unless steps are taken to make this Act effective, mere passing of the Act will rather weaken the stability of the Congress organisation and the party to which we have the honour to belong. With this warning I congratulate the Ministry for bringing forward this measure and before I resume my seat I would only beg of the Ministry to deal sternly with those officers whose conduct is subject to the slightest suspicion and accord the severest punishment to the black marketeers so that Bengal might be lifted out of the morass into which it has been plunged by the corrupt Imperialist forces and their supporters whoever they might be.

Mr. MUDASSIR HOSSAIN: Sir, I beg to oppose the Bill for I am sorry to say that I cannot agree with the principles of the Bill. The principle on which the Bill is based is that if we punish people for black marketing, for taking bribe and murdering people by supplying poisonous foodstuffs, then by inflicting deterrent punishment upon the culprits you will be able to prevent them from doing such things. But, Sir, a study into the criminology will convince you that punishment cannot deter anybody from committing a fresh crime. The only thing which can dissuade or prevent a person from committing an offence is reformation and not punishment. If a person committing a crime is ostracised and driven out from the society and deprived of all the benefits of the society, it is then and then only that that person can be reformed and prevented from doing obnoxious things. In this connection I would draw your attention to the fact that in France black marketing was rampant and the administrators of France took it into their head that if capital punishment was given, then black marketing will cease. So the other day black marketing was made an offence for capital punishment. But in spite of this deterrent provision in the penal law of France, black marketing did not cease but went on merrily day by day in France. If we really want to prevent black marketing we have to go to the root of the thing as to why black marketing prevails. The main basis, the main foundation on which black marketing thrives is the control. If you want to remove black marketing, if you want to banish it from the country, you must first remove the controls. I do not believe in the theory that controls make for the good of the society. It is not at all true. Everything is governed by the law of demand and supply. If you are really eager to provide that there should not be any social evil like black marketing, all that you should do is to remove the control, and all the evils you are suffering from will be rooted out. Sir, there was control on salt and so long as there was control on salt, salt was not available in the market. But as soon as it was decontrolled, salt became available.

Sri J. C. GUPTA: What about mustard oil and sugar?

Mr. MUDASSIR HOSSAIN: It is the same with mustard oil and sugar——(Several voices: No, No). When controlled, mustard oil was not at all available in the market. Mustard oil was not available in the bazar, but as soon as it has been decontrolled, it is available and at a much lower price. Now the price of mustard oil is only Rs. 2. (The Hon'ble Sri BHUPATI MAJUMDAR: What was the controlled rate?) The controlled rate was much lesser, but nothing was available. We have been in Calcutta and from day to day we went to the market and everyone said mustard oil was not available and we used to get badam oil. I do not know what is the case of Calcutta, but so far as the mofussil is concerned and our district of Birbhum is concerned, there is ample supply of mustard oil. That is not the way of controlling You say that produce is not sufficient. If produce is not sufficient, how can you manage things. I say produce is sufficient, but through manipulation and conspiracy of the capitalists and shop-keepers with whom Government also is in conspiracy, this control is going on I always regard Mahatma Gandhi as the exponent of truth and wisdom What has he said? He has always recommended that control should be removed at all costs Well, remove the control and black markets will soon disappear and there will be nothing of black marketing. If you find that the removal of control has brought trouble to the country, you can just renew the control at any time you like So, my submission before the House is that you all join and pray to the Government that let everything be decontrolled You may pray to the Government or the Governor, as you like If you decontrol, everything will be available. For this reason, I beg to move that the Bill be circulated for eliciting public opinion

The Hon'ble Sri CHARU CHANDRA BHANDARI: On a point of order, Sir বিনা নোটিসে এ রকম মোশন আসতে পারে কি না ?

Mr. SPEAKER: Mr Hossain, you sent to me just now a notice of a motion for circulation Are you moving that?

Mr. MUDASSIR HOSSAIN: Yes, Sir, I have moved that. Finally I have said that I move that the Bill be circulated for eliciting public opinion

Mr. SPEAKER: You simply opposed it Therefore, that is out of order.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. A. M. A. ZAMAN: Mr. Speaker, Sir, আজকে Assembly তে যে বিল নিয়ে আলোচনা হচ্ছে সেই black marketing সম্বন্ধে আগেও খবরের কাগজে অনেক আলোচনা হয়েছে। যেভাবে Ministry এই বিলটি এনেছেন এবং এই black market দমন করবার চেষ্টা করছেন সেজন্য আমি আমার শ্রমিক বন্ধুদের পক্ষ থেকে তাঁদের congratulate করছি। আমার মনে হয় এই রকম বিল যদি আরও আগে আসতো তাহ'লে দেশের অনেক উন্নতি হ'ত। কারণ এই black marketing এর জন্য দেশের প্রভূত ক্ষতি হয়েছে। আমাদের মধ্যে একটা কথা আছে—মৌলানা সাহেব ওয়াজ করে বলতেন, যে হাজারে বোধ হয় একজন বেহেস্তে যাবে। আমরাও মনে করতাম যে এত লোক যখন নমাজ পড়ে তখন তাদের সবাই বুঝি বেহেস্তে যায়। হাজারে একজন বেহেস্তে যাবে কেমন করে? আজকে কন্ট্রোলের যুগে দেখা যায় দুজন ফেরেস্তা, কেরামন কাতেবিন, যে হিসেব লেখেন তাতে আমার মনে হয় সন্ধ্যাবেলা বিদায় নেবার সময় পুণ্যের খাতার মধ্যে শূন্য দিয়ে রেখে যান। সিভিল সাপ্লাই ডিপার্টমেন্ট ছাড়াও অন্যান্য লোক যাদের মধ্যে জানাশোনা আছে, তার সন্ধান নিয়ে black market এর সুবিধা তারা করে যাচ্ছে। গ্রামদেশে ফুড-কমিটির মধ্যেও দেখা গেছে ইউনিয়ন ফুড-কমিটিতে যারা আছে তাদের মধ্যে অনেকে দু-বোতল কেরোসিন তেল পর্যন্ত black market করতে চেষ্টা করে। দু-টিন ঐভাবে বিক্রী করতে পারলে বেশ কিছু লাভ হয়।

আমি আর বেশী সময় নষ্ট করতে চাই না। আমি আশা করি গভর্ণমেণ্ট যে বিল এনেছেন শুধু সেই বিল এনেই তাঁরা ক্ষান্ত হবেন না। কাগজপত্রে লেখা-লিখি অনেক কিছু হয়। কিন্তু কার্যে পরিণত যদি তা না করা যায় তাহ'লে কিছুই হবে না। মন্ত্রিমণ্ডলী যে বিল এনেছেন তা পাশ করবার সঙ্গে সঙ্গে প্রত্যেক এম-এল-এ-রও কর্তব্য রয়েছে। তাঁরা তাঁদের constituencyতে গিয়ে জনসাধারণকে সদুপদেশ দিয়ে বোঝান যাতে সকলে এ কাজে সহযোগিতা করেন।

আমি যখন কর্পোরেশনের কাউন্সিলার ছিলাম তখন আমি কয়েকটা দোকানে ভেজাল ঘি তেল ধরবার চেষ্টা করেছিলাম এবং ধরেও ছিলাম। কিন্তু তারপরে আর বাড়ী টেকা গেল না। সকলে বলতে আসে "আপনি করলেন কি? এ case এখনই withdraw করিয়ে দিন। আর কোন দিনও একাজ করবেন না।" শেষ পর্যন্ত বাধ্য হয়ে caseটা withdraw করতে হ'ল। কিন্তু তারা তা এখনও করে যাচ্ছে সেই রকম। Publicএর পক্ষ থেকে কাকেও ধরলে এসে বলবে ওটা ভুল হয়ে গেছে; আমরা জানতাম না। কিন্তু ওটা কখনও ভুল হয় না।

সিভিল সাপ্লাই ডিপার্টমেণ্টে অনেক দেখেছি যারা ১০০, টাকা মাইনে পায় তারা ৭৫, টাকা বাড়ীভাড়া দেয়। আর ভোরবেলায় যে নাস্তা তারা খায় সে নাস্তা তার মাইনের টাকায়ও হয় না। তারপর দেখছি হাজার হাজার টাকা দিয়ে বাড়ীঘর করে বসছে। এই সব কন্ট্রোলের জিনিস যারা বিক্রী করে গভর্ণমেণ্ট মণকরা তাদের যে profit দেয় সেই profit এ তাদের কিছুই হয় না। আমার জানাশোনার মধ্যে অনেকে আছেন যারা এক বছরের মধ্যে কয়েক লক্ষ টাকা রোজগার করেছে এইসব কন্ট্রোলের জিনিসপত্র এনে- চাল, ডাল, কাপড়, চিনি, গুড় ইত্যাদি। এইসব বাইরে থেকে এনে বিক্রী করে লক্ষ লক্ষ টাকা তাদের পকেটস্থ হয়েছে গত এক দেড় বছরের মধ্যে। কাজেই আমি গভর্ণমেণ্টকে congratulate করবার সঙ্গে সঙ্গে এই বিল support করছি এবং সকলের কাছে appeal করছি যে public sympathy নিয়ে এটাকে যেন কার্যকরী করবার প্রচেষ্টা হয়।

আর একটা কথা ভাই সাহেব বলেছেন এই বিলটিকে circulate করতে। Circulate করবার মানে কি হবে? black marketeerরা বর্তমানে যেসব সমিতি বা পার্টী আছে তার মধ্যে অনেককে অন্যভাবে টাকা দিয়ে বাধ্য করবার চেষ্টা করছে এবং তাদের signature নিয়ে আসবে-- এ বিল তারা চায় না ওটা তাদের কিছুই নয়। আমার মতে আর এক মিনিটও দেরী করা উচিত নয়। আজই এই বিল পাশ হবে এবং তার পর দিন থেকেই যাতে সেটা effective হয় তা করবার চেষ্টা করা উচিত। কন্ট্রোল উঠিয়ে দিতে পারলে সমস্ত দুর্নীতির সমাধি হয়। কিন্তু কন্ট্রোল তুলে দিলেও যারা দেশের সর্বনাশ করছে তাদের সমুচিত শাস্তি দেওয়া একান্ত উচিত। সেদিন থেকে আশা করি গভর্ণমেণ্ট যথাসাধ্য চেষ্টা করবেন এবং তার জন্য আমি সকলের কাছে appeal করছি। এই বলে আমি তাঁদের congratulate করে আসন গ্রহণ করছি।

The Hon'ble Sri CHARU CHANDRA BHANDARI: এ বিষয়ে বিবেচনা করতে গিয়ে আপনাদের মাননীয় সদস্য বিমল বাবু যা প্রস্তাব করেছেন সেটা হচ্ছে এই যে আমাদের মন্ত্রিমণ্ডলীর সদিচ্ছা থাকলেও যে machinery নিয়ে কাজ করতে হয় সেই machineryর সংশোধন যতক্ষণ পর্যন্ত না হচ্ছে এর প্রতিকার হবে না। আমি এইটুকু আশ্বাস দিতে পারি যে যে machinery নিয়ে আমরা কাজ করি তার সম্পর্কে আমরা সজাগ আছি এবং এইটুকু আমরা আশা করি যে মন্ত্রিমণ্ডলী সদিচ্ছা নিয়ে এবং আন্তরিকতার সঙ্গে সমস্ত দুর্নীতি দমনের চেষ্টা করছে, আন্তরিকতা যদি এর মধ্যে থাকে তাহলে সে machinery যত corruptই হোক্ আমাদের এই সদিচ্ছাকে কার্যকরী করতে বেশী দিন বাধা প্রাপ্ত হবে না। একটা কথা তিনি উল্লেখ করেছেন, সে সম্পর্কে কিছু বলা প্রয়োজন। তিনি প্রসঙ্গক্রমে soapstone-এর ব্যাপার উল্লেখ করেছেন। আমি আমার প্রথম বক্তৃতাতে জানিয়েছি, আভাসে জানিয়েছি, যে আইনের ফাঁক আছে সেটা এই black marketing সম্বন্ধেও যেমন তেমনি খাদ্য-ভেজাল সম্পর্কেও চলে। এই আইনের ফাঁকে অনেক জিনিস চলে যাচ্ছে। আইন প্রচুর নয়, যে আইন আছে, আইনের এমন ফাঁক আছে যে যাদেরকে আমরা মস্ত বড় অপরাধী বলে জেনেছি, আদালতে গিয়ে তাদের কিছুই করা যাচ্ছে না। আমি পূর্বে বলেছি যে এ সম্পর্কে আলোচনা করতে গেলে বিচারাধীন, sub-judice case নিয়ে আলোচনা করতে হয়। সেটার প্রয়োজন নাই। তবে এই যে ফাঁক আছে খাদ্য-ভেজাল আইনের, তার

একটা বন্দোবস্ত করতে চেষ্টা করছি এবং তার জন্য কঠোর আইন প্রণয়ন করবার চেষ্টা হচ্ছে এবং সে সম্বন্ধে যদি পারা যায় মাননীয় স্বাস্থ্য-মন্ত্রী মহাশয় এই খাদ্য-ভেজাল সম্পর্কে আইন আনবেন, এবং যদি সময় না পাওয়া যায়, তারপরে হয়ত Ordinance হিসাবে এটা আসবে; তাতে এইটুকু আমি আশ্বাস দিতে চাই যদি কোন জায়গায় soapstone ব্যবহার করে তারা এই রকমে ফাঁকে কাটাতে পারবে না। ফাঁকে যাতে পড়ে না যায় সেই জিনিস সম্পর্কে এই মন্ত্রিমণ্ডলী সজাগ আছেন।

আরো একটি কথা উল্লেখ করেছেন একজন Police Sub-Inspector এর বিষয়ে। সে সম্পর্কে ত সমস্ত জিনিস পরিষ্কার হয়ে গিয়েছে। এইটুকু আমি জানাতে চাই যে এ সম্পর্কে যে বরখাস্তের কথা ছিল সে সম্বন্ধে অনুসন্ধান এবং enquiry চলছে। এবং enquiryর ফলে যদি কেউ অপরাধী সব্যস্ত হয় তার শাস্তি বিধান করতে আদালতে যদি case যায়, আইনের ফাঁকের কথায় আমি কিন্তু এইটুকু বলতে চাই, আইনের ফাঁকে কেউ পালাতে পারবে না।

দ্বিতীয় কথা হচ্ছে এই; মাননীয় সদস্য মুদাস্সির হোসেন সাহেব এই প্রস্তাবকে বাধা দিয়েছেন। উনি বলেছেন যে, সাজা দিলেই এটার সংশোধন হবে না। এটা ঠিক কথা যে শুধু সাজার বিধান করলেই কোন পাপ কোন দিন ঘোচে না। তবু একটা বিধান করতে হয়, এটা নয় যে এই বিধান করলেই এই black marketingআরো বেড়ে যাবে। কিছু কমবে এটা ঠিক কথা। অতএব সেটুকু নিয়েই আমাদের সন্তুষ্ট থাকতে হবে। এই কথা বলে আমি আশা করি আমার এই প্রস্তাব সর্বসম্মতিক্রমে গৃহীত হবে।

Sri BIMAL CHANDRA SINHA: On a point of information, Sir. The Hon'ble Minister was very kind to refer to the case mentioned in my speech about the dismissed Sub-Inspector and he has been pleased to say that enquiries have been instituted against the persons concerned. If he has no objection, will he be pleased to see that enquiries are made about Mr. Gordon who is alleged to be involved in this matter?

The Hon'ble Sri CHARU CHANDRA BHANDARI : হাঁ তা হচ্ছে, এই officerএর সমস্ত ব্যাপারের সম্বন্ধে enquiry হচ্ছে।

The motion of the Hon'ble Sri Charu Chandra Bhandari that the West Bengal Black Marketing Bill, 1947, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill, was then put and agreed to.

Clause 2.

Mr. MD. KHUDA BUKHSH: Sir, I tabled a short-notice amendment to clause 2. I do not know whether it has been admitted by you May I have your permission to move it?

Mr. SPEAKER: All right The position is that sufficient time was not given, and it is very inconvenient to admit motions on the floor of the House and examine its being in order or otherwise. If you insist I may permit it for the time being, but there are difficulties. I have not yet examined it.

Mr. MD. KHUDA BUKHSH: Sir, I beg to move the short-notice amendment that in clause 2(*a*), in line 1, for the words "any goods", the words "foodstuffs and other articles essential for the maintenance of the life of the community" be inserted.

Sir, I think I shall be voicing the general feeling of this side of the House when I say that we have decided to support the courageous measure brought by the Ministry. Sir, this is the first time that a measure of such sweeping nature directed against the worst anti-social elements of the society has been brought in this House. Here I would observe that the expression is "selling or purchasing for the purpose of trade any goods" might include anything, but I do not think that it is within the contemplation of Government that they want to include all merchandise under the

term "any goods". It would be impracticable to do so, and I take it that Government have not that in their mind. Now the term "any goods" will perhaps be defeating the very object of the Bill by including so many varied sorts of merchandise as to be ineffective. So I suggest that for the words "any goods" it is only in consonance with the wishes of the Ministry that I want to insert the words "foodstuffs and other articles essential for the maintenance of the life of the community" so that it will limit the application of the Bill.

I hope Government will be pleased to accept my amendment.

Sri J. C. GUPTA: Mr. Speaker, Sir, may I point out to you that clause 2(*a*) provides "selling or purchasing for purposes of trade any goods at a greater price than the maximum price fixed, by or under any law, notification or order for the time being in force, for the sale of such goods." Therefore it contemplates that Government will by notification fix the maximum price for certain goods. It does not contemplate inclusion of all goods wherever produced. Secondly, Sir, the short-notice amendment of Mr. Khuda Bukhsh to limit it to essential goods will require the provision of a definition of "essential goods". You have also pointed out that at short notice one cannot understand all the implications of a short-notice amendment. Moreover, Sir, the term "any goods" of which the price will be notified is sufficient to cover the point raised by Mr Khuda Bukhsh. In that view, Sir, I hope Mr Khuda Bukhsh will see his way to withdraw the amendment

Mr. MD. KHUDA BUKHSH: I have heard the illuminating speech made by Mr J C Gupta He has anticipated the wishes of the——

Mr. SPEAKER: I am sorry, Mr Khuda Bukhsh, you cannot speak twice on the same motion.

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধন প্রস্তাবের বিরোধিতা করছি এবং Mr. Gupta যা বলেছেন ঠিক কথাই। Essential goods কি হবে তার আবার সংজ্ঞা করতে হবে। এই সংজ্ঞার মধ্যে সব কিছু পড়ে যেতে পারে। কয়েকটা controlled জিনিস আছে তার মধ্যে সবই তো essential; Essential জিনিস না হলে controlled হয় না। যে কয়টা controlled আছে তার মধ্যে presume করে নেওয়া উচিত সেগুলি essential. এই রকম সংশোধনী প্রস্তাব না এনে যদি তিনি বলেন কোন একটা foodstuff বা অন্য কোন goods তাহলেও আমরা বিরোধিতা করবো। সে রকম একটা vague ভাবে কথা বললে অর্থ হয় না। Control এখনও যা আছে সবই essential জিনিসের মধ্যেই আছে।

Mr. MD. KHUDA BUKHSH: Sir, I beg leave to withdraw my amendment.

There being no objection the amendment of Mr. Md. Khuda Bukhsh that in clause 2(*a*), in line 1, for the words "any goods", the words "foodstuffs and other articles essential for the maintenance of the life of the community", was then by leave of the House, withdrawn.

The question that clause 2 do form part of the Bill was put and agreed to.

Clause 3.

The question that clause 3 do form part of the Bill was put and agreed to.

Clause 4.

The question that clause 4 do form part of the Bill was then put and agreed to.

Clause 5.

Sri AMAR KRISHNA GHOSE: Sir, I beg to move that in clause *5(1)*, line 6, for the word "approves", the word "proves" be substituted.

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করছি। এটা একটা printing mistake মাত্র।

The motion of Sri Amar Krishna Ghose that in clause *5(1)*, line 6, for the word "approves" the word "proves" be substituted, was then put and agreed to.

Sri AMAR KRISHNA GHOSE: Sir, I beg to move that in clause *5(3)*, line 3, for the words "gomasta or" the word "gomasta" be substituted.

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করছি।

The motion of Sri Amar Krishna Ghose that in clause 5(3), line 3, for the words "gomasta or" the word "gomasta" be substituted, was then put and agreed to.

The question that clause 5, as amended, do form part of the Bill, was then put and agreed to.

Clause 6.

The question that clause 6 do form part of the Bill, was then put and agreed to.

Clause 7.

The question that clause 7 do form part of the Bill, was then put and agreed to.

Clause 8.

The question that clause 8 do form part of the Bill, was then put and agreed to.

Clause 9.

The question that clause 9 do form part of the Bill, was then put and agreed to.

Clause 10.

The question that clause 10 do form part of the Bill, was then put and agreed to.

Clause 11.

The question that clause 11 do form part of the Bill, was then put and agreed to.

Clause 12.

The question that clause 12 do form part of the Bill, was then put and agreed to.

Clause 13.

The question that clause 13 do form part of the Bill, was then put and agreed to.

Clause 14.

Sri BIMAL CHANDRA SINHA: Sir, I beg to move that in the first proviso to clause 14(*1*), line 1, after the words "special tribunal may" the words "for reasons to be recorded in writing" be inserted.

Sir, the object of my amendment is self-explanatory. The object is that the tribunal will record the reasons for refusing to summon witnesses.

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করছি।

The motion of Sri Bimal Chandra Sinha that in the first proviso to clause 14(*1*), line 1, after the words "special tribunal may" the words "for reasons to be recorded in writing" be inserted, was then put and agreed to.

Sri AMAR KRISHNA GHOSE: Sir, I beg to move that after clause 14(5), the following sub-clause be added, namely :—

"(*6*) A Special Tribunal may pass any sentence authorised by law."

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করছি। এর মধ্যে একটা ফাঁক বা lacuna থেকে গেছে যে কোন কথা বলা হয়নি Special Tribunal কোন সাজা দিতে পারে কিনা। এ রকম থাকলে একটা সন্দেহ হতে পারে যে Special Tribunalএর সাজা দেবার কোন ক্ষমতা আছে কিনা। এই ফাঁক বা lacuna remove করবার জন্য এই প্রস্তাব আনা হয়েছে। অতএব আমি এটা গ্রহণ করছি।

The motion of Sri Amar Krishna Ghose that after clause 14(5), the following sub-clause be added, namely —

"(*6*) A Special Tribunal may pass any sentence authorised by law.", was then put and agreed to.

The question that clause 14, as amended, do form part of the Bill was then put and agreed to.

Clause 15.

The question that clause 15 do form part of the Bill was then put and agreed to.

Clause 16.

Sri BIMAL CHANDRA SINHA: Mr. Speaker, I beg to move that in clause 16, lines 2 and 3, the expression "or to make any order under section 491 of the Code of Criminal Procedure, 1898", be omitted.

The Bill as drafted wanted to prevent the High Court from giving effect to the right of *habeas corpus*. I want that the right of *habeas corpus* and other rights should be there, and therefore I want to delete the words prohibiting the High Court from giving effect to the right of *habeas corpus* and other rights.

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করিতেছি।

The motion of Sri Bimal Chandra Sinha that in clause 16, lines 2 and 3, the expression "or to make any order under section 491 of the Code of Criminal Procedure, 1898", be omitted, was then put and agreed to.

The question that clause 16, as amended, do form part of the Bill, was then put and agreed to.

Clause 17.

The question that clause 17 do form part of the Bill was then put and agreed to.

Clause 18.

The question that clause 18 do form part of the Bill was then put and agreed to.

Clause 19.

Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I beg to move that in clause 19(*1*), line 5, after the words "court may" the following words be inserted, namely:—

"for reasons to be recorded in writing.".

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করিতেছি।

The motion of Sri Bimal Chandra Sinha that in clause 19(*1*), line 5, after the words "court may" the following words be inserted, namely, "for reasons to be recorded in writing" was then put and agreed to.

The question that clause 19, as amended, do form part of the Bill was then put and agreed to.

Clause 20.

Sri AMAR KRISHNA GHOSE: Sir, I beg to move that in clause 20(*1*), line 6, for the word "Court" the words "Provincial Government" be substituted.

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করিতেছি।

The motion of Sri Amar Krishna Ghose that in clause 20(*1*), line 6, for the word "Court" the words "Provincial Government" be substituted was then put and agreed to

The question that clause 20, as amended, do form part of the Bill was then put and agreed to.

Clause 21.

The question that clause 21 do form part of the Bill was then put and agreed to.

New clause 21A.

Sri AMAR KRISHNA GHOSE: Sir, I beg to move that after clause 21 the following new clause be inserted, namely:—

"Offences under section 20 or section 21 triable by a Presidency Magistrate or a Magistrate of the first class.

21A. Offences under section 20 or section 21 shall be triable by a Presidency Magistrate or a Magistrate of the first class."

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করিতেছি।

The motion of Sri Amar Krishna Ghose that after clause 21 the following new clause be inserted, namely:—

"Offences under section 20 or section 21 triable by a Presidency Magistrate or a Magistrate of the first class.

21A. Offences under section 20 or section 21 shall be triable by a Presidency Magistrate or a Magistrate of the first class.",

was then put and agreed to.

Clause 22.

Sri AMAR KRISHNA GHOSE: Sir, I beg to move that in clause 22, line 5, for the word "should" the word "shall" be substituted.

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করিতেছি।

The motion of Sri Amar Krishna Ghose that in clause 22, line 5, for the word "should" the word "shall" be substituted was then put and agreed to.

The question that clause 22, as amended, do form part of the Bill was then put and agreed to.

Clause 23.

The question that clause 23 do form part of the Bill was then put and agreed to.

Clause 24.

The question that clause 24 do form part of the Bill was then put and agreed to.

Clause 25.

The question that clause 25 do form part of the Bill was then put and agreed to.

Preamble.

Sri BIMAL CHANDRA SINHA: Mr. Speaker, I beg to move that in the preamble, line 2, the words "the evil of" be omitted.

I move this because a law should be precise and should not contain an expression of ethical opinion. The object of the law should be obvious from the contents of the law and I therefore suggest that these words might be omitted.

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করিতেছি।

The motion of Sri Bimal Chandra Sinha that in the preamble, line 2, the words "the evil of" be omitted was then put and agreed to.

Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I beg to move that in the long title, lines 1 and 2, for the words "for checking the evil of black marketing" the words "for checking black marketing" be substituted.

Sir, black marketing is an evil evident enough. So it requires no statement, Sir.

The Hon'ble Sri CHARU CHANDRA BHANDARI: আমি এই সংশোধনী প্রস্তাব গ্রহণ করিতেছি।

Mr. SPEAKER: What I want to point out, Mr. Sinha, about this motion is this that the preamble is a subject-matter for amendment in this House, but not the long title. Therefore, this motion is out of order. It may be done as a consequential amendment and not as a motion. This is the procedure.

Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I could not quite follow you. Is it the direction of the Hon'ble Speaker that it is not in order to amend the long title?

Mr. SPEAKER: I understand that it cannot be done by bringing a motion before this House under the Legislative Act. If it is a consequential amendment, then that can be done as such under the Legislative Assembly Procedure Rules.

Sri BIMAL CHANDRA SINHA: Sir, I would request you for the benefit of the House to elucidate the matter. I have doubts in my mind, but I do not want to detain the House any longer. If you please, I shall see you in your Chamber.

Mr. SPEAKER: I shall be very glad to see you in my Chamber. So far as this amendment is concerned, it will be consequentially done and, therefore, you need not press the motion.

The question that the preamble as amended do form part of the Bill was then put and agreed to.

The Hon'ble Sri CHARU CHANDRA BHANDARI: Sir, I beg to move that the West Bengal Black Marketing Bill, 1947, as settled in the Assembly, be passed.

এই প্রস্তাব উত্থাপন করতে গিয়ে আমি একটা কথা, শেষ কথা, এই বলতে চাই যে আইন যতই কড়া করা হউক্, এই যে চোরাকারবারের অপরাধ এটা যদি সত্যিকারের দমন করতে হয় আইনও বানাতে হয় এবং জনসাধারণের সহযোগিতাও চাই। আমি আশা করি চোরাকারবার দমন আইন সম্পর্কে জনসাধারণের সহানুভূতি যে রকম পাওয়া যাচ্ছে এই আইন প্রয়োগের সময়ও সেই রকম সহযোগিতা পাওয়া যাবে।

আর একটা কথা আমি বলতে চাই যাঁরা চোরাকারবার ক'রে আসছেন সেই চোরাকারবারীদের প্রতি। সে হচ্ছে এই যদি control উঠে যায় আমার এক বন্ধু বলেছেন চোরাকারবার উঠে যাবে। এটা ত ঠিক কথা। কিন্তু মানুষের সংশোধন হোল না। যদি control উঠে যায় তাহলে এই মাত্র হবে যে চোরাকারবার legalised হবে। চোরাকারবার যাঁরা করেন তাঁরা যেন এই control থাকতে থাকতেই নিজেদেরকে সংশোধন করতে শিখেন। বিশেষতঃ দেশ স্বাধীন হয়েছে। ১৫ই আগষ্টের পরে আর এ জিনিস চলে না। ১৫ই আগষ্টের পরে আমরা যে পতাকাকে রাষ্ট্রীয় পতাকা বলে গ্রহণ করেছি তার প্রথম অর্থ হচ্ছে এই যে আমাদের নূতন মানুষ হয়ে গড়ে উঠতে হবে। ১৫ই আগষ্ট তারিখে মাননীয় Governor শ্রীরাজাগোপালাচারীজি তিনিও এই কথা বলেছেন যে আমাদেরকে নূতন মানুষ হয়ে গড়ে উঠতে হবে। যাঁরা চোরাকারবারী তাঁদের প্রতি আমার আবেদন যে তাঁরা আর এ জিনিস চালাবেন না। স্বাধীন দেশের মানুষ আমরা, আমরা যেন স্বেচ্ছায় নূতন মানুষ হয়ে গড়ে উঠতে পারি এবং সমাজকে এই কলুষমুক্ত যেন করতে পারি, যাতে আমরা স্বাধীন জাতিতে পরিণত হয়ে জগতে মহীয়ান জাতিরূপে পরিগণিত হতে পারি।

Mr. A. F. M. ABDUR RAHMAN: Mr Speaker, Sir, I associate myself wholeheartedly with the spirit behind this Bill and, I am sure, every right-thinking man will welcome the provisions of the Bill, but what I am worried about is that with all the sincerity and honesty of purpose behind such popular enactments the resultant effect has not so far been very encouraging. Instances are not very rare—I do not think I shall multiply them here—but with regard to this particular Bill I would only wish that all the people connected with the execution thereof will be actuated by a spirit of public service and will treat the offenders in the way they deserve, to make them liable to the penalties provided in the Bill. Instances are not rare when by legal squibbles, laches on the part of the executive authorities and other concomitant factors the accused in respect of black marketing though condemned in public eye have been looming large and making themselves prosperous. Let us hope that the procedure has been effectively tightened up in the present West Bengal Black Marketing Bill to make those things of the past. I can assure the Hon'ble Minister that our party is solidly behind him in his attempt to stop black marketing in any shape or form and if he can sufficiently set the connected Government machinery in motion for eradicating the anti-social evils of black marketing he will not only earn the gratitude of our party but also of all the good people outside.

With these words, Sir, I support this Bill. In this connection I would like to say a few words about the speech made by my honourable friend Mr. Mudassir Hossain. He did not mean to oppose the Bill. His idea was that if the control is withdrawn there would be no necessity for passage of this Bill. It was never his intention to oppose the Bill.

The motion of the Hon'ble Sri Charu Chandra Bhandari that the West Bengal Black Marketing Bill, 1947, as settled in the Assembly, be passed, was then put and agreed to.

Firing before Assembly House.

Mr. MD. KHUDA BUKHSH: Sir, before we adjourn I want to place before you certain facts. After we assembled, Sir, the police had occasions to resort to firing, and I have been told that seven or eight people have been injured.

Sir, we did not think that matters would take such a turn, but they have taken a very serious turn. Sir, may I request the Hon'ble Leader of the House through you that he should institute a sifting enquiry into the circumstances which prompted the police to resort to their arms and, if possible, enlighten us here and now as to the actual happenings and the names and number of people injured by police firing. If it is not possible for him to do so now, may I request him through you, Sir, to give us these figures and also a detailed account leading to this unfortunate occurrence tomorrow first thing in the afternoon?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I will give all the facts and figures tomorrow. I am not in a position to do it now.

Mr. MD. KHUDA BUKHSH: Mr Speaker, Sir, honourable members feel that it is not safe for the members of this House to leave the premises just now May we know what arrangements, if any, Government are contemplating to make for the safe passage of the members from the House?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: If necessary, armed escorts will be given.

Adjournment.

The House was then adjourned at 6-51 p m till 3-45 p.m. on Thursday, the 11th December, 1947, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 11th December, 1947, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 9 Hon'ble Ministers and 48 Members.

Adjournment motion.

Sri JYOTI BASU: Mr. Speaker, I gave notice of an adjournment motion on the police firing outside the House yesterday and I find consent has been given. So, I think we should proceed to discuss the matter now.

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, I also gave notice of an adjournment on a subject which, I find, is identical to that of the motion given by Mr. Basu. Would you now fix up which motion would be taken up first?

Mr. SPEAKER: I understand that there is no objection to this adjournment motion being taken up. If it be so, then it is immaterial as to which motion is taken up.

The Hon'ble Dr. P. C. GHOSH: May I request you to take up the motion which was given earlier?

Sri NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir. On adjournment motions, when consent has been given it is up to the honourable member to get up and move the adjournment motion. There is no question of either the Speaker or the Government choosing as to which motion should be given priority. It is entirely up to the member and if a member does not move his motion, then it falls through by default.

Mr. SPEAKER: Consent having been given, I fix just after the prayer recess for discussion of this motion.

Sri NIHARENDU DUTT-MAZUMDAR: Has any motion been moved here?

Sri SIBNATH BANERJI: The motion has to be read here.

Sri JYOTI BASU: It is for you to read out the short statement.

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, I think the motion has not been formally moved.

Mr. SPEAKER: I would ask Mr. Basu to move his motion.

Sri JYOTI BASU: Sir, I beg to move that the business of the House be adjourned today, the 11th December, 1947, to discuss a matter of urgent public importance and of recent occurrence, namely, the wanton *lathi* charge and indiscriminate firing by the police on the 10th December in front of the Assembly House causing a large number of casualties including the death of a student.

Mr. SPEAKER: The short statement of this motion is this. On 10th December, 1947, when some students and others who were picketing in front of the Assembly House gates to protest against the West Bengal Security Bill, 1947, the mounted police charged on the picketers injurin-

some including girls. But as the people refused to disperse, tear gas was used and thereafter the police rushed about mercilessly beating up the people all round the Assembly House. The people tried to stop this brutality of the police and brickbats were exchanged between the police and some of the people. Thereafter, without giving any warning the Armed Police started shooting the people indiscriminately causing the death of one student and serious injury to many.

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, I beg to move——

Sri NIHARENDU DUTT-MAZUMDAR: Two motions cannot be moved at the same time. Sir, you have to proceed to ask whether there is any objection. If no objection, the motion can be discussed.

Mr. SPEAKER: I have already asked that.

Sri JYOTI BASU: Consent by the Government has been given.

Mr. SPEAKER: There is no question of consent. There is no objection by Government. Therefore, I fix immediately after the prayer recess for discussion of this motion. The other motion falls through.

GOVERNMENT BILL.

The Calcutta Municipal (Amendment) Bill, 1947.

The Hon'ble Sri ANNADA PROSAD CHOUDHURY: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1947, as reported by the Select Committee, be taken into consideration.

Shaik MOHAMAD RAFIQUE: Mr. Speaker, Sir, when I get up to oppose or to suggest to the Government any amendment, I feel, Sir, that it is useless, because the gentlemen sitting opposite to me are on oath practically, as I understand them, to support whatever measure Government want them to pass through this Assembly. Many measures have been introduced in this House and some of them have received the sanction of this legislature and all these measures are being rushed in a manner, as if the Government think that they will have no other opportunity later on to see these measures through this House. The Calcutta Municipal (Amendment) Bill which is being introduced now also belongs to one of the categories which I have just mentioned.

Sir, in this Bill, as I understood when the Hon'ble Minister spoke on the first day of its introduction, he wants to change the form of election as that was undemocratic in his opinion. Sir, in this country we are very fond of copying the form of choosing representatives as is prevalent in the Western countries without thinking whether that would be suitable for the people here or that it would be conducive to the maintenance of peace and good fellow-feeling among the citizens of this great city. I was, Sir, under the impression that perhaps the Bill in a modified form would be produced which will bring the two Hindu and Muslim communities together that are now drawn asunder and will conduce to their better relations in the near future. But, I find there is nothing new in the Bill which has emerged from the Select Committee. They want that joint electorate should be introduced, whatever consequences there might be. The Hon'ble Minister in charge of this Bill is very fond of imitating the foreign form of democratic institutions. This reminds me of a story of an Indian who, when attacked with an illness jubilantly said to his friend, "I am suffering from a disease from which no Indian has suffered so far. It was only confined to the Europeans and I am the first Indian to get it."

Sir, my friend here in his anxiety to introduce this Bill says that he wants to bring this measure in order to hold elections in a more democratic form as the present one is not conducive to the well-being of the Province.

The most important change which is being sought to be introduced in this Bill is that the election would be joint with reservation of seats. Sir, this reservation of seats was all very good when there were two separate sets of people with different ideology, but when there is now no new question of differing from the common object, I do not think it is at all necessary to make this change. Even if the representatives of different communities profess different religions, that won't matter much, because their ideologies and objectives are the same. However, since it is not possible to retain separate electorate with the impression that it will not bring both the communities, the minorities and the majority, together and nearer, I think a better system should have been evolved which would be more practical in attaining the objects which the Hon'ble Minister has in view. Sir, in the Select Committee I suggested that if there is to be any reservation, provision should be made in the Bill to make it obligatory on the minorities to poll a certain percentage of votes of the majority community. In this city of Calcutta there are wards wherein the Muslims form a majority and there are wards in which the non-Muslims form a majority. A candidate who does not command any confidence of the particular community to which he belongs, can be elected by the sheer majority of the other community which support his candidature. The result would be that only the camp followers of the majority Hindu community will be returned. It it is made obligatory in the Bill that a candidate to whichever community he may belong must poll a certain percentage of votes from all communities, then that would bring all the communities together and at the same time the candidate will have to run to all the communities to secure that percentage of votes. Sir, an objection was raised that if the minority community boycotts the election, then the whole election of the entire city of Calcutta will be vitiated and will not take place. In view of the objection, I would not insist on the reservation for all the communities, but I want that a candidate from the minority community to which I belong should be asked to poll a certain percentage of votes of both the communities. Of course, I do not think that the Hon'ble Minister should object to that. I am now anxious and it is my desire and it is to my interest to see that I mix more freely with those who were against me before and who form a majority in this country. It is to my interest to see that the acrimony which was in existence so far, the bitterness which is in existence now, is obliterated. So I suggest that if it is made obligatory that the minority should poll a certain percentage of votes of the majority community, I will be leading my community nearer to the major community and also it will inspire confidence and create good fellow-feeling. I do not see the reason why Government should object to it. At the same time, I feel that in wards where there is a majority of Muslims, the candidate need not go to non-Muslims for votes, because, under the provisions of the Bill as it is presented the Muslims will be able to carry their candidates by their own majority. If compulsory securing of a certain percentage of votes is insisted upon, then the candidate will have to go even to the minority in the ward, though there might be Muslim majority to secure that specified percentage. If the desire of the Government members sitting opposite is to bring both the communities nearer to each other till such time that the distinction between minority and majority is obliterated and they might with confidence do away with the system of separate electorate or with the reservation of seats, they should accept my amendment. We are not anxious to have this system of election with reservation of seats. We want joint electorate. But under the conditions as they are now prevailing today, it is not possible to get all that we desire. It will take some time and I hope if the Government is anxious to introduce a measure with the intention that it will bring both the communities nearer, they should accept my amendment which I shall move later on and by that they will achieve the purpose which we have all in mind. I also find, Sir, that the Bill which the Hon'ble Minister has introduced is meant only for the next election. In the allocation of seats he has robbed the Muslim community of two seats which they have been enjoying so far. In Calcutta

there are 22 seats allotted to the Muslims. Now, Sir, in the Bill which is being introduced now we find that the Muslim community has been allotted only 20 seats. Government has said that seats are being fixed on population basis. If we take the entire population and apply the proportion of the Muslims, they get 22 seats. If we take away Scheduled Castes and other small minorities from them, they get over 20 seats. This is a jugglery of calculation wherein you can just fit in 20 seats or 22 seats as you like. As has been expressed the intention of Government is to bring a more comprehensive Bill, then there was no necessity to cut these two seats only for the next election. After all, if a new Bill is to be introduced, more accurate calculation can be made on the basis of population. It is quite possible that after these three years perhaps there will be no need for the reservation of seats. This action of Government is being misunderstood, I would put it mildly, by the Muslims in the city. In Calcutta they think that the new Government constituted after the 15th of August has taken the first opportunity of robbing the community of the two seats to which they are perfectly entitled. Sir, there were other sections of the Calcutta Municipal Act which require immediate change such as the building rules and hearing of the assessment cases. The Corporation is losing lakhs and lakhs of rupees on account of the existence of these clauses in the Act. These amendments should have been introduced, so that the Corporation could be put in a sounder financial position than it is at present. It appears that it is not the Government's desire to do any good to the Corporation, but to consolidate their position for the next election of the Corporation, so that they can get their own people elected in the Corporation of Calcutta. From the schedule printed elsewhere you will find that in some wards the number of seats has been increased by 200 per cent., and in some places by 100 per cent., and in some places the number of seats has been reduced. So, Sir, I feel that the intention of Government is more to consolidate its position in the city administration than to do any good to the rate-payers and treat them justly and fairly. In the Bill there are certain sections which are unnecessarily introduced or modified. I would, in this connection, draw your attention to Section 36 which is now useless and redundant, but which has been insisted upon by the Government to be retained, because in their hurry they have drafted the Bill in a manner that they themselves are not sure whether this section is necessary or not.

Sir, as I think that it would be useless to make long speeches after moving amendments, I would request the Government to make a good gesture to the minority community by giving them those two seats which have been taken away from them. I think it would do no harm if the original number is retained for it would not in any way create a majority, nor would harm the Government or the City Corporation, but it would be a good gesture which the Muslim community will very much appreciate. The same, Sir, is the case with the Anglo-Indians who used to have two seats, but now they are going to have one seat or no seat at all. There is no sound argument behind that calculation also. If you take away these two seats on the question of principle, I can well understand but the principle is not in conflict. One or two seats would not make much difference but it would help to foster good relations between the communities.

Mrs. E. M. RICKETTS: Mr. Speaker, Sir, may I have your permission to draw the attention of the House to an important omission which there is in the Bill, both in its original form and in the form in which it has emerged from the hands of the Select Committee. This omission is that no specific provision has been made for a woman representative, amongst the Councillors of the Calcutta Corporation. I feel sure that this omission is an oversight and could not be intentional. And I hope that once the attention of the Government has been drawn to this matter they will be only too ready to remedy it. In the past, as long as the Government retained the rights to nominate a certain number of councillors, one or two

women were always included so that whether the City Fathers liked it or not, they were obliged to listen to the points of view of women. I should imagine that now that the right of nomination is no longer maintained by Government, this omission ought to have struck the learned gentlemen through whose hands the Bill has emerged. I must appeal therefore to this House in which there is so high a percentage of men, to appreciate that the Corporation deals with many matters in which a woman's advice and assistance are useful. These matters are the public health of the city, the utility and other services. I would therefore request the Hon'ble Minister to give an assurance that the amendment which, with the permission of the Chair, I wish to move, will receive the favourable consideration of Government.

The Hon'ble Shri ANNADA PROSAD CHOUDHURY: I shall reply to all these points at the proper time.

The motion of the Hon'ble Sri Annada Prosad Choudhury that the Calcutta Municipal (Amendment) Bill, 1947 as reported by the Select Committee, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do form part of the Bill was put and agreed to.

Clause 2.

Mr. SPEAKER: I take it that amendment No. 1 in the name of the Hon'ble Minister is out of order.

The question that clause 2 do form part of the Bill was then put and agreed to.

Clause 4.

Shaik MOHAMAD RAFIQUE: Sir, I beg to move that in clause 4(*a*), for the words "ninety-five Councillors" the words "ninety-seven Councillors" be substituted.

As I have already said, Sir, I hope Government will consider that the two seats of the minority community are not taken away. If this amendment is accepted by Government, the community will retain its original 22 seats which it has at present and that would create a very good impression on the minority community.

Mrs. E. M. RICKETTS: May I have your permission, Sir, to move a short-notice amendment to clause 4?

Mr. SPEAKER: I have not received a copy of the amendment; at least a copy should have been handed over to me beforehand.

(At this stage a paper was handed over to Mr. Speaker.)

Mrs. E. M. RICKETTS: Sir, I want to move that the following sub-clause be inserted, namely:—

(*b*) In sub-clause (*c*) of section 5 the words "at least two of whom shall be women" be added.

Mr. SPEAKER: In the paper which you have handed over to me I find it is one woman but now you say that there shall be two women. What is your actual motion?

Mrs. E. M. RICKETTS: I am moving the motion which I am reading out—"of which at least two shall be women".

Mr. SPEAKER: All right. You move the whole amendment.

Mrs. E. M. RICKETTS: Sir, I beg to move that after sub-clause 4(*a*), the following be inserted, namely:—

(*b*) In sub-clause (*c*) of section 5 the words "at least two of whom shall be women" be added.

The Hon'ble Sri ANNADA PROSAD CHOWDHURY : মাননীয় Speaker মহাশয়, রফিক্ সাহেব যে সংশোধনী প্রস্তাব এনেছেন আমি তার বিরোধিতা করছি। তিনি ৯৫ জন Councillor-এর জায়গায় ৯৭ জন করে দেওয়ার কথা বলেছেন। কলকাতার বিভিন্ন সম্প্রদায়ের জনসংখ্যার ভিত্তিতে সরকার এই ৯৫ জন কাউন্সিলর নির্বাচনের সিদ্ধান্ত গ্রহণ করেছেন। কোন জায়গায় যদি কেউ বলেন যে, ৯৫ জনের জায়গায় আরো ২ জন বাড়িয়ে দিন, তবে আপাত দৃষ্টিতে ২ জন বাড়ানো যে বিশেষ কিছু গুরুতর কথা নয় ইহাই মনে হতে পারে। কিন্তু আসলে তা নয়—ঐ সংখ্যা নির্ণয়ের মূল নীতির প্রশ্নটাই এখানে বিবেচ্য। কাজেই মূল নীতি স্থির না করে সংখ্যা স্থির করতে গেলে কেউ বলবেন ২ জন, কেউ বলবেন একজন, কেউ হয়ত বলবেন ৫ জন বাড়িয়ে দিন এবং এভাবে বলতে আরম্ভ করলে কোথাও এর অন্ত পাওয়া যাবে না। এই ৯৫ জন যা আমরা স্থির করেছি তা অবশ্য ১৯৪১ সালের census অনুসারেই করেছি। কিন্তু ১৯৫১ সালের censusএ লোকসংখ্যার যদি তারতম্য হয় তবে সে অনুসারে আমরা Councillor এর সংখ্যারও তারতম্য করে দেবো। সুতরাং আমি আশা করি, রফিক্ সাহেব তাঁর সংশোধনী প্রস্তাব প্রত্যাহার করবেন।

Mrs. E. M. RICKETTS: মেয়েদের প্রতিনিধিত্ব সম্বন্ধে যে কথা বলেছেন সে সম্বন্ধে এখনই কিছু করা সম্ভব হবে বলে মনে হচ্ছে না তবে, আমি এর আগেও বলেছি এবং এখনও প্রতিশ্রুতি দিচ্ছি যে যত শীঘ্র সম্ভব আমরা একটি পূর্ণাঙ্গ বিল এখানে উপস্থিত করবো। সে সময় যদি সকলে মিলে আমরা স্থির করি যে মেয়েদের আলাদা প্রতিনিধিত্ব দেওয়া দরকার তখন একটি কি দুটি আসন যা দরকার হয় তা দেবো। অতএব তাঁর কাছে আমি অনুরোধ করছি যে তিনি যেন তাঁর এই সংশোধনী প্রস্তাব অন্ততঃ আমার আশ্বাসের উপর ভরসা করে প্রত্যাহার করেন।

Shaik MOHAMAD RAFIQUE: On a point of information, Sir. Does the Hon'ble Minister suggest that after the census of 1951, the figures which we will get in 1952, he will consider as to what should be the number of seats which would be allotted to the minority community? This Amendment Bill is meant for only one election—1948—and the next election will come in 1951 and electoral rolls will be prepared before that date. Where is the time for the Hon'ble Minister, if he is in office, or for the Government to find out what will be the basis of allotment of seats in the election in 1951 on the basis of census of 1951.

The Hon'ble Sri ANNADA PROSAD CHOWDHURY : আমাদের কোন না কোন একটা basisএর উপর নির্ভর করেই চলতে হবে। আপাততঃ ১৯৪১ সালের যে census তারই উপর ভিত্তি করে আমরা এখন সংখ্যা নির্ণয় করেছি। কিন্তু আমি একথা বলছি আমিই থাকি বা যিনিই থাকুন, যে পূর্ণাঙ্গ বিল উপস্থিত করা হবে, সেখানেও লোকসংখ্যার উপর ভিত্তি করেই কাউন্সিলরের সংখ্যা নির্ণীত হবে। ১৯৫১ সালে যে census হবে তাতে লোকসংখ্যার অনুপাতে মুসলমান কাউন্সিলরের সংখ্যা যদি ২০ জন,-২২ জন বা ২৩ জন হয়, তবে ততজন কাউন্সিলর গ্রহণেরই যে ব্যবস্থা ঐ বিলে থাকবে এ প্রতিশ্রুতি আমি দিচ্ছি।

Mrs. E. M. RICKETTS: Mr. Speaker, Sir, I am prepared to withdraw my amendment on the assurance of the Hon'ble Minister, but I would like to ask that the Government should try and arrange it so that at least two women should be included amongst the Aldermen who are still to be elected. I hope the Hon'ble Minister will look into the matter.

The motion of Mrs. E. M. Ricketts that after sub-clause 4(*a*), the following sub-clause be inserted, namely:—

"(*b*) In sub-clause (*c*) of section 5, the words 'at least two of whom shall be women' be added",

was then by leave of the House withdrawn.

The motion of Shaik Mohamad Rafique that in clause 4(*a*), for the words "ninety-five councillors" the words "ninety-seven councillors" be substituted, was then put and a division taken with the following result:—

AYES—13.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, A. F. M., Mr.
Abdur Rahman Siddiqi, Mr.
Abul Hashem, Mr.
Jasimuddin Ahmed, Mr.
Khuda Bukhsh Md., Mr.
Mahammad Sayeed Mia, Mr.
Mudassir Hossain, Mr.
Mohamad Rafique, Mr.
Muhammad Siddique, Syed, Mr.
Musharruff Hossain, Nawab Khan Bahadur, Mr.
Serajuddin Ahammad, Mr.
Zaman, A. M. A., Mr.

NOES—38.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerjee, Mr. Susil Kumar.
Barman, The Hon'ble Mr. Mohini Mohan.
Bhandari, The Hon'ble Mr. Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Chakravarty, Mr. Satish Chandra.
Choudhury, The Hon'ble Mr. Annada Prosad.
Das Gupta, Mr. Khagendra Nath.
De, Mr. Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Mr. Bhupati
Mallick, Mr. Ashutosh.
Mandal, Mr. Annadaprasad.
Mandal, Mr. Bankubehari.
Mandal, Mr. Krishna Prasad.
Mookerji, The Hon'ble Mr. Kalipada.
Murarka, Mr. Basantlal.
Naskar, Mr. Ardhendu Sekhar.
Naskar, The Hon'ble Mr. Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Mr. Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 13 and the Noes 38, the motion was lost.

The question that clause 4 do form part of the Bill, was then put and agreed to.

Clause 5.

Shaik MOHAMAD RAFIQUE: Sir, I have got an amendment to clause 5.

Mr. SPEAKER: That is out of order.

The question that clause 5 do form part of the Bill, was then put and agreed to.

Clause 6.

Shaik MOHAMAD RAFIQUE: Sir, I will not emulate the example of my honourable friend in wasting the money of rate-payers and citizens for nothing——

Mr. SPEAKER: You move your amendment.

Shaik MOHAMAD RAFIQUE: Yes, Sir. I beg to move that in clause 6, after sub-section (4) of the proposed section 8B, the following proviso be added, namely:—

> "Provided that no candidate from the Special Territorial Constituencies shall be declared elected unless he has polled 30 per cent. of the recorded votes of the minority community of the said constituencies."

Sir, in moving my amendment I would commend it to the House that this reservation is mainly for the minority communities. We want that the elected representatives of the Special Territorial Constituencies should have at least the confidence of the minority who is voting for them. The

minority communities' candidates must be compelled to poll a certain percentage of votes of the minority communities, whom they want to represent in the Corporation of Calcutta. But in the Bill, as it stands at present, it is unnecessary for any candidate of any Special Territorial Constituency to poll a single vote of the minority communities to get himself elected. The intention of Government is quite clear. They do not want the accredited representatives of the minority communities to come in because the majority community will give its patronage to their camp follower who will be a yes-man and get himself elected. The Hon'ble Minister has already expressed sincere desire to bring all the communities, the minorities and the majority, together and foster good relations to inspire confidence amongst them. My amendment should be accepted because it will give practical shape to the desire of the Hon'ble Minister and this will make it obligatory for a candidate seeking election from a Special Territorial Constituency to poll a certain percentage of votes of the minority communities.

If candidates are elected by the sheer force of the votes of the majority community, they will not enjoy the confidence of the minority community. The gulf of bitterness between the two communities will be widened, and the purpose which we want to achieve will not be achieved but will rather be frustrated. Sir, my amendment, if accepted, would not do any harm to anybody. We want a certain proviso so that we may be drawn nearer to each other. It is for our own good, and I do not know why anybody should grudge what we want to have, and which will not harm the Government, nor will that harm the majority community.

Sir, my amendment should be accepted because, as I have said, it will bring the two communities together and foster good relations between them The rejection of this proviso would be understood to mean, I would say, that it is not the intention of the Government and the majority party of this House that the gulf which is already in existence is bridged.

The Hon'ble Sri ANNADA PROSAD CHOWDHURY: মাননীয় Speaker মহোদয়, আমার মাননীয় বন্ধু রফিক সাহেব যে সংশোধনী প্রস্তাব এনেছেন, আমি তার বিরোধিতা করি। তিনি যেসব প্রশ্নের কথা তুলেছেন তা আমি ইতিপূর্ব্বে ভাল করে বিবেচনা করে দেখেছি। Select Committee-তিতে এ বিষয় যথেষ্ট আলোচনা করা হয়েছে। আমরা যে যৌথ নির্ব্বাচন প্রথা প্রচলন করছি, তাতে বিভিন্ন সম্প্রদায়গুলি একতার সূত্রে গ্রথিত হোক, ইহাই আমরা চাই কিন্তু তার মধ্যে যদি আবার এইসব ব্যবস্থা করতে হয়, তাহলে আমার মনে হয় আমরা যে উদ্দেশ্য নিয়ে কাজ করছি, তা ব্যাহত হবে। উনি মনে করছেন, আমরা এই ব্যবস্থা প্রচলন করে আমাদের কয়েকজন yes-man এনে ভর্ত্তি করে দিতে চাই—উনি ভুল বুঝেছেন। যাদের ভোটে তারা যাবে, তাদের yes-man তো তারা হবেই। আমাদের yes-man বাড়াবার কোন ব্যবস্থা এতে আমরা করিনি। আমি আশা করি, রফিক সাহেব তাঁর সংশোধনী প্রস্তাব প্রত্যাহার করে নেবেন।

The motion of Shaik Mohamad Rafique that in clause 6, after sub-section (*4*) of the proposed section 8B, the following proviso be added, namely:—

> "Provided that no candidate from the Special Territorial Constituencies shall be declared elected unless he has polled 30 per cent. of the recorded votes of the minority community of the said Constituencies",

was then put and lost.

The question that clause 6 do form part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do form part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do form part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do form part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 do form part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do form part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 do form part of the Bill was then put and agreed to.

Clause 13A.

The question that clause 13A do form part of the Bill was then put and agreed to.

Clause 14.

The question that clause 14 do form part of the Bill was then put and agreed to.

Clause 15.

The Hon'ble Sri ANNADA PROSAD CHOUDHURY: Sir, I beg to move that in clause 15(*a*) in proposed sub-section (*1*) of section 38, line 10, for the words "true allegiance" the words "true faith and allegiance" be substituted.

The motion was then put and agreed to.

The question that clause 15, as amended, do form part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 do form part of the Bill was then put and agreed to.

Clause 17.

The question that clause 17 do form part of the Bill was then put and agreed to.

Clause 18.

The question that clause 18 do form part of the Bill was then put and agreed to.

Clause 19.

The Hon'ble Sri ANNADA PROSAD CHOUDHURY: Sir, I beg to move that for clause 19 the following be substituted, namely:—

19. Amendment of section 43.—In section 43 of the said Act—

(*a*) sub-section (*2*) shall be omitted;

(*b*) in sub-section (*3*), the words "or appointed" shall be omitted; and

(c) after sub-section (3), the following sub-section shall be added, namely:—

"(4) The vacancy referred to in the second proviso to section 36 shall be deemed to be a casual vacancy and a person elected as a Councillor to fill that vacancy shall remain a Councillor till the first meeting of the Corporation held under section 59 after the next general election."

The motion was then put and agreed to.

The question that clause 19, as amended, do form part of the Bill, was then put and agreed to.

Clause 20.

The question that clause 20 do form part of the Bill was then put and agreed to.

Clause 21.

The question that clause 21 do form part of the Bill was then put and agreed to.

Clause 22.

The question that clause 22 do form part of the Bill was then put and agreed to.

Preamble.

The question that the preamble do form part of the Bill was then put and agreed to.

The Hon'ble Sri ANNADA PROSAD CHOUDHURY: Sir, I beg to move that the Calcutta Municipal Amendment Bill, 1947, as settled in the Assembly, be passed.

মাননীয় Speaker মহোদয়, এ সম্বন্ধে ইতিপূর্বে যা আলোচনা হয়েছে সে বিষয়ে আমি দু-একটি কথা বলতে চাই। আমি স্বীকার করি যে এই বিল খুব তাড়াতাড়ি এখানে উপস্থিত করা হয়েছে। এই তাড়াতাড়ি করার প্রধান কারণ হচ্ছে, Corporation এর নির্বাচন ইতিপূর্বে এক বৎসর পিছিয়ে দেওয়া হয়েছিল। এখন যদি আমরা তাড়াতাড়ি না করি তাহলে সামনের মার্চ মাসে এবারও election হতে পারে না। সেজন্যই Government এর তরফ থেকে ইতিপূর্বে একটা ordinance জারী করা হয়, এবং সেই ordinance টাকে ঠিকমত কার্য্যকরী করবার জন্যই আমরা এই বিল পরিষদের সমক্ষে উপস্থিত করেছি। এর মধ্যে মূলগত কয়েকটি প্রস্তাব করা হয়েছে, যথা যৌথ নির্বাচন প্রথা প্রবর্ত্তন, মনোনয়ন প্রথার বিলোপসাধন। আমি স্বীকার করি যে এর মধ্যে আরো কিছু উন্নতি করবার অবকাশ ছিল। তাই আমি ইতিপূর্বেও বলেছি, আবারও Speaker মহোদয়ের মারফৎ এই নিবেদন করছি যে যত তাড়াতাড়ি সম্ভব আমরা একটা পূর্ণাঙ্গ বিল হাউসের সমক্ষে উপস্থিত করবো এবং আমি আশা করি তাতে কারো বিশেষ আপত্তি করবার মত কিছু থাকবে না। তাই আমি নিবেদন করছি এই বিল যেভাবে এখন settle করা হয়েছে সম্পূর্ণ সেইভাবেই যেন পাশ করে দেওয়া হয়।

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, before I come to the subject matter under discussion tonight I wish to place on record my sense of gratitude to the Hon'ble the Minister for his kindness, urbanity and suavity in the Select Committee. It was unfortunate that he had to act under the direction of his Cabinet colleagues and that he had also to look to the wishes of the majority in the Select Committee as well as in this House.

Mr. Speaker, Sir, I know my cry will be a cry in the wilderness. I know that decisions have been taken which appear to be unalterable like the laws of the Persians and the Medes. Any suggestion, any little kindness asked for, has been summarily dismissed. I do not understand why all

this hurry. I can appreciate that Ordinances must be legalised but in doing so the hurry has been so bad that it has established the correctness of the Arabian proverb "al-ajala min al-shaitan" (Hurry belongs to the Devil). Sir, I will tell you why I have come to that conclusion. In the Aims and Objects of the Bill as presented to the House, or to the Select Committee, there is a contradictory statement. The Bill is supposed to apply only to one election and yet the phrase has been used that it has to be put *permanently* on the Statute Book. Sir, to hurry through in this manner with a piece of legislation intended for one election, and for no more, is of the type which the Arabian proverb describes.

Sir, the Hon'ble Minister must forgive me when I say that the Corporation of Calcutta, the party chiefly concerned and chiefly affected by this piece of hurried and meaningless legislation was never consulted, was never given an opportunity to express its views on the change in the whole of its constitution as proposed by the Hon'ble Minister. Sir, in the Corporation we shout about autonomy. We have uttered that word and talked of our qualification as a semi-government institution on hundreds of thousands of occasions. The most surprising part of the present Bill, is that the Corporation was never consulted and we were not given an opportunity to place our views before the Government. That, Sir, you will understand better if I were to state that in the change of numbers of the members of the Council of the Corporation, we have gone from 98 to 101, to suit the party convenience of the present Council of Ministers, ruling West Bengal. Sir, if they had taken into consideration the huge addition to the population of Calcutta, I think 200 should have been the right number, although personally I consider even 98 as too many, because the more members you put on the Corporation, we shall have more committees than the 13 or 14 we have, and the field for mischief, the field for all sorts of underhand dealings will be widened and extended. In one of my utterances I had called the Corporation *Chorporation* (laughter). The Corporation has last grace in the eyes of the city. To tinker with the problem of the municipal administration of this city in this restricted, limited and partisan manner is to say the least of it, unkind of the existing Government from which we expected wider appreciation of the rights of the tax-payers and the citizens and from which we felt that the civic administration of Calcutta would be regarded as more important than filling its Corporation with their own men. There used to be 12 nominated members in the old Corporation. They were scrapped under the new slogan of no "appointed members". If that is the idealogical background of the decision I can appreciate it, but in scrapping these 12 members the humorous part of the action taken by Government is that it has been handed over bodily the full dozen seats to one group only, to itself. The representation of the other groups has been reduced, but they have collected all the benefits to themselves.

سارا حلوا اپنے هی مانڈے پر کهینچ لیا - اوروں کو ایک نواله بهی نهیں دیا ۔

(They have pulled all the *halwa* (sweet) on their own bread, leaving not a morsel for others.) This is not good administration and this is certainly no legislation which is intended to do justice all round.

Another aspect of this Bill which should be removed and rejected summarily by the House and, Sir, I am not speaking as a Muslim, a Hindu or a Parsi or anybody; I am speaking here as a tax-payer of the city and as an alderman of the existing Corporation. I claim that I know more about Calcutta and its civic administration than—if he will forgive me this personal remark—the Hon'ble Minister in charge or the departmental experts he had round him in the Select Committee. They had not studied the case of Calcutta and, Sir, the department was certainly not helpful to the Hon'ble Minister. That being the case, Sir, it will again interest you to learn that the poor Scheduled Castes which are now being considered as part, I hope, of the twice born sections of the Hindu have had a raw deal.

(Sri NIHARENDU DUTTA-MAZUMDAR: At the old game!) If this is an old game, the game of the other party is crushing and killing. Can you imagine Sir, that the gentlemen who regarded themselves in the 1941 census as *no-caste-men*, have suddenly become Kayasthas and Brahmanas? And, Sir, the poor misguided Scheduled Castes have lost because of this beautiful piece of political chicanery?........ (Noise.) Sir, may I seek your protection? May I go on? If I start answering them the dignity of the debate will be lost.

I am trying to speak with all my heart on the floor of this House, if that can be done. But gentlemen who shout slogans, gentlemen who consider themselves to be nationalists on cheap and imitated theories of political corporate life cannot tell me or teach me that I have no notions as to how this country and our people in it should be ruled. Moscow, London, Paris——

(At this stage the blue light was lit.)

Sir, will you give me some more time? This is an important matter.

Mr. SPEAKER: The House will have to be adjourned now for prayers.

Mr. ABDUR RAHMAN SIDDIQI: I will speak after that if you permit.

Sri J. C. GUPTA: Sir, having regard to the important adjournment motion which has been fixed after prayer I move that the question be now put.

Sri JYOTI BASU: I think this is highly improper. I at least have got something to say on this Bill and thereafter Mr. Siddiqi has got something to add. I suggest that after prayer we take up the adjournment motion for two hours and we keep this Bill in abeyance for the next two days.

(Cries of "No, no" from Congress benches.)

Mr. SPEAKER: What I propose to do is that after the adjournment motion I will finish this business because I do not want to put it off only for the sake of one or two members. I do not want to stifle discussion.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Adjournment Motion.

Sri JYOTI BASU: Mr. Speaker, Sir, I do not know how long you will give me in order to enable me to place my motion before the House and speak on it. However, as it is a very important matter and I believe that two hours will be given for discussion, I hope that until I finish you will not ask me to sit down.

Mr. SPEAKER: Mr. Basu, you know the rule that no speech during a debate shall exceed fifteen minutes.

Sri JYOTI BASU: I am aware of that, but as it is a very important matter, I think some more time will be given to me.

However, in moving this motion I know that nearly all of us have today entered the Assembly with a heavy heart because of the incidents which took place, especially yesterday, on all sides of the Assembly. It is a known fact which no amount of whitewashing can deny that the picketers, both students and others, who have been sitting near the gates of the Assembly have been doing so in order to protest against the monstrous measure—the West Bengal Security Bill—as it is called now, because they feel that this Bill gives no security to our fair province but that it has aroused and will arouse the just anger of our common humanity and universal indignation.

It is ridiculous to suggest, as the Hon'ble the Prime Minister has sought to do in the papers today, and I believe he made a statement on that point yesterday in the House, that these people who have come here to picket, were sent probably by black-marketers—a clever device to hoodwink the people. Because yesterday there was the Bill against black-marketing in this House, the Prime Minister thought fit as a politician of long standing to tell us all that the black-marketers of Calcutta have sent these young men to face bullets and *lathi* charges of the Calcutta Police. Mr. Speaker, Sir, I think that I should tell Dr. Ghosh that our people are not politically so naive as to believe all this humbug, but in any case that was made out in his speech yesterday in the Assembly.

Now, recounting the incidents most of which I saw myself when I came to enter the Assembly and could not enter it, having seen what was going on outside. I was standing for some time near the High Court, and I saw that those armed police, armed not only with *lathis* but with revolvers and other weapons rushing at the crowd as soon as they were collecting or standing in groups at some places and mercilessly beating them. I saw some of them going up the stairs of the Solicitors' building which is opposite us and beating our people. I saw them letting off tear gas on the people. I saw them charging with their horses on boys and girls and injuring two of the girls and, Mr. Speaker, it reminded one of the old days. I could not imagine that I was living in a free Bengal, especially because at that time when we did not know what to do, how to stop the police, we did not see the Ministers outside the gates of the Assembly compound. We did not see them trying to argue with the crowd so that they could convince them that what they were doing was a wrong thing to do. Nothing of the kind. We did not see a single Minister there—Ministers who call themselves representatives of the people, who have, I am aware, for the last so many years fought with our people against the British Government. But these very gentlemen today, as soon as they have become Ministers, take shelter inside this building and do not go out and meet their own people. On the contrary they let loose the brutal police armed with deadly weapons on our own boys and girls.

Mr. Speaker, that was what I found, and afterwards things were taking a very bad turn and when people's anger was roused, then through desperation and in self-defence, some of them did throw some brickbats at the police. Thereafter I saw a new sight and that was that the police and their officers also were throwing brickbats from inside the Assembly compound. It was after this that I found the crowd dispersing on all directions and collecting in groups and watching things and immediately afterwards the police started shooting indiscriminately. That it was indiscriminate shooting, nobody can doubt, because we all know who were the injured and how the injuries took place. A Barrister, who was about to come out of the Solicitors' building, was shot at on the first floor. A R.W.A.C. Cadet, Sisir Mondal, was wounded and killed while he was sitting inside his ambulance car. In this connection I must say that I do not know how a responsible person like Dr. Ghosh came out with a statement in the Press. When I went to see Dr. Subodh Mitter, he showed it to me and said that it was wrong. I can say here that the whole statement is wrong and I do not know from where Dr. Ghosh might have got it. I can assert that the ambulance car was not rushed into the line of fire as Dr. Ghosh has tried to make out in his statement. The ambulance car was standing still awaiting to pick up the wounded and while Mr. Mondal was sitting in his car he was shot at, and Dr. Subodh Mitter has said that he was deliberately shot at. Such things do not happen and it does not happen in a civilised country. The Red Cross mark was there, but unfortunately the police did not care for that. I am also told now that one of these police officers asked Dr. Subodh Mitter subsequently, "Is it because of all these activities that we give you petrol?" I wonder how a police officer can even utter such a word to a doctor like Dr. Subodh Mitter!

As regards Dr. Ghosh's statement with regard to the I.N.A.C. car incident, I do not know who gave him the information about that, but if the police gave him that information I say that information given by murderers has no value in a court of law.

Mr. Speaker, Sir, Dr. Ghosh's statement and attitude shown therein is dangerous and full of falsehood. He is so complacent with the police around him that he has not anything to say about the demonstrators, their purpose, and so on. He tries to brush them aside by saying that they have been sent by black-marketeters, black-marketeters who live in palaces, who are friends, I know, of many of our respectable gentlemen. These are the people who, Dr. Ghosh said, were sent by the black-marketeters yesterday and they were fired at. In bringing this up today I wish to point out that even if those boys who had come here—whoever be their leaders who sent them here—even if I take it that they were wrong, that they were using wrong methods in picketing the gates and not allowing members to enter the Assembly, I say that Dr. Ghosh should have acted as a people's leader, his Ministers should have acted as people's leaders, the M.L.As. should have acted as people's leaders, should have gone out there and convinced the boys that that was not the correct thing to do, but they did not do that. In other circumstances, I know, they have throughout their lives addressed hundreds and thousands of people. Why are they afraid now to face them? I know abuses might be hurled by some of them, but I know that majority of them would listen to them, would respect them and if they had gone out and addressed them this tragedy would certainly not have happened.

Dr. Ghosh and his Ministers have been seeing these things going on for the last so many days. Dr. Ghosh has been aware that a united mass mobilisation of all the political parties in Bengal has taken place, and, outside in fields, in maidans, in parks, people are holding meetings every day. Even today a huge mass rally has been held under the joint auspices of many of the parties in Bengal. But Dr. Ghosh did not think it fit to call a conference of the leaders and try and find out a solution of the situation as a people's leader should have done when he found opposition growing all round throughout Calcutta and Bengal over this hated bill. On the contrary he let loose his minions of law and order—those forces who have been trained by the Andersons and his like. These are the people who had been let loose on our youth—whether they were right or wrong, is not the point. Therefore, I say that it is impossible for Dr. Ghosh to give any excuse. He has said in his statement yesterday in the House and today some portion has come out in the papers, that violence would be met with police violence. This attitude leads us nowhere; it shall not lead us anyhere.

(At this stage the blue light was lit.)

Time is short and therefore I say it is impossible for us to pass such a Bill surrounded on all sides by the armed police whom we had to pass today in trying to enter the Assembly. No self-respecting legislator can do this. Therefore I would urge upon the Hon'ble Minister to adjourn the House and meet the leaders of different political parties to find out a solution.

In conclusion, Mr. Speaker, I would refer him to Dr. Rajendra Prasad's statement wherein he says, "If they go wrong they can be set right by methods which are open to all and which need not take the form of violence on the one side or the other." When the Ministers are going to lecture to the people that they should not show violence, the Ministers should equally apply the same thing to themselves. Similarly, Dr. Rajendra Prasad says, "no popular Ministry can stand the strong and genuine popular opposition to any of its measures".

I would recall those words to the Hon'ble Ministers and once more before I sit down urge upon them to answer the people's charges against the police

and the Ministry. They should answer because they are answerable before the bar of public opinion. They should immediately adjourn the House, they should meet the political leaders and find out a solution to this problem and see whether the people of Bengal want the Bill. I had suggested on the first day that they should refer this hated Bill to public opinion, but they did not do that. Even at this stage they must not stand on prestige; they should withdraw the Bill even now and not disturb the peace of Bengal any longer. After a long time we have brought peace to Bengal. It is not the police or the Ministers, it is not they who have brought peace to Bengal, but the ordinary people who have been shot dead by the police. Let not Dr. Ghosh disturb that peace and let the Ministry answer the charges that have been brought against them.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I had no intention to intervene in this debate on the Motion for Adjournment. Sir, I do not wish to utter one word about the proposed Bill under its many names but under the definite fatherhood of the present Cabinet. That will come before us and we shall express our views for or against it. I am afraid I cannot agree with the honourable mover of this Adjournment Motion. It has nothing to do with the Security Bill. The problem before us is whether the Legislature in West Bengal, whether its members, whether the members of the Government who have to come and act in this hall as a responsible government, whether we as the lawfully constituted Assembly of West Bengal, shall be allowed to function. I can understand the enthusiasm of the young men but I cannot understand their coming and dictating to us, their elders, their elected representatives, who are sitting in this House as a responsible body.

Sir, this House is a sacred political institution of this province. Every member of it has the right and privilege to go into it and come out of it in safety. If these young men had read their books properly, they would not have besieged this House. Even the roads round and about it are not so much under the Commissioner of Police as under your jurisdiction. Sir, and, therefore, I am of the opinion that the action taken by the young men and the action of those who egged them on and instigated them to pollute the sacredness and sanctity of this House, committed a public crime.

Sir, these small incidents have a tendency to grow and become conflagrations. Belonging to the minority community here, there is fear in my heart. I do not know how these incidents will shape themselves, if allowed to go on unchecked. Sir, anything might happen. We know the I.N.A. troubles, we know August 1946, and we know the disturbances later on. Sir, the word "goonda" perhaps is understood by some honourable members of this House to mean a Muslim. I shall therefore use the word "hooligan". There are hooligans of every colour, every variety and every creed. It is to their interest to turn the whole of this trouble into a Hindu-Muslim trouble. The country is in a disturbed state, and we, the largest minority in this city, are afraid even of our safety. I shall, therefore, urge upon the Prime Minister to go and consult as many political leaders as he likes, to go and pacify the enthusiasm of the young men who seem to have taken up the cause of the citizens much more seriously than they should. He can do what he likes, but I would, on my bended knees, appeal to him, Sir, to govern and, if he cannot govern, he should get out. I demand my safety; I demand the safety of my property; and I demand that his police and any military assistance that he may seek, shall work, not in a partisan way, not to the peril of the people whom they too do not like. The Government does represent a party, but the Government sitting there is sitting as Judge of the situation. I have every right to demand from it as much protection as it is prepared to give to other sections of the population of this city. And, therefore, Sir, any terms, the strongest terms possible, should be considered as right and correct to condemn the action of the young men and those who instigated them into the mischief and the manner in which they, as I have said, polluted the sanctity and sacredness of this House.

Sri J. C. GUPTA: Mr. Speaker, Sir, we all deplore the unfortunate loss of life that has taken place. We welcome this adjournment motion because this will offer an opportunity to this House to dispassionately consider as to on whom the responsibility for this unfortunate incident really rests.

The learned mover of the adjournment motion said that the Home Minister should have seen these boys, should have addressed these boys. Before he had offered this gratuitous advice, may I tell him that this was exactly what was done by the Prime Minister day before yesterday and by other Ministers too. Day before yesterday when the students came, some of them went and spoke to them and asked them that if they had anything to ventilate before the Home Minister they could nominate a deputation from amongst them. Sir, you will be interested to hear that amongst those who came some said that they would nominate separately and they would meet the Home Minister separately and not at the same time or same place. The Home Minister agreed to receive two separate deputations and he left attending the business of this House to attend to those deputationists. Then he argued with them. When this was proposed to him, the Home Minister said: "Well, I shall try but I cannot convince those who refuse to be convinced." But yet myself, the Secretary and others insisted and he did go. In the next place, the honourable mover has said that the Home Minister should have gone and spoken to them. I thought, Sir, that before moving an adjournment motion like this he would correctly ascertain the facts. That also the Home Minister did. After the two deputationists separately talked to him, it was suggested to the Home Minister by some of our party members that he should go to the gate and address them, and that he did. But has it had any effect? It would have the effect if these gentlemen were sincerely trying to acquaint the members of the House and the Home Minister with their true, genuine and real grievances. But it seemed apparent after the Home Minister had talked with them that they were determined to other ends.

Then it has been complained that the police force was used by the Home Minister. On the first day the police force was here. There were only few obstructionists here and the police force was sufficient, but at the suggestion of some of us the Home Minister agreed to ask the police to withdraw altogether and they were inside the room and nowhere outside all the time that he talked to them. Therefore, Sir, you cannot hold the Home Minister responsible for using the force, because on the first day the police were there but they were withdrawn. He met the deputationists and then he went and addressed the deputationists. That had no effect. On the second day they came along. Sir, it has been said that my honourable friend saw from the High Court end what was happening. We were sitting from about 2-30 p.m. in the Committee Room which is near the High Court and while there holding deliberations brickbats fell on the roof of the Committee Room.

Sri JYOTI BASU: Who threw them?

Sri NIHARENDU DUTT-MAZUMDAR: Your associates.

Sri J. C. GUPTA: I shall tell Mr. Basu who threw them. He said he had been in the High Court end. If he wants to know who threw the brickbats, I may tell him that I had been to the High Court and talked to some of my Barrister friends and I was told that below the High Court bricks were arranged up and handed over to people, and some of the members of the High Court Library were indignantly mentioning the names of some responsible persons. I would ask my honourable friend to go to the Bar Library and find out from those members of the Bar who instigated and who actually arranged the throwing of bricks. (Sri JYOTI BASU: I had been there for my information.)

The next thing I shall say is to give an answer to the points why the Congress Party did not approach them and why the Home Minister approached them; and I hope after hearing these facts which he conveniently ignored he will think twice as to whether he could make the police responsible for what they did. We were there. For about two hours the police were greeted with showers of brickbats, and we, while coming to this House from the Committee Room, had to go by the garden because we were advised that if we took to the streets to come to the House we would be brickbatted.

That was what happened. We came in here and till then there was no assault from the police though there were all these brickbats thrown at them. We saw in the corridor near your room blood marks from the body of the policemen who were brought there and their number was about half a dozen, I understand. If after that the police did take any action, on whom does the responsibility lie? Is it not the responsibility of the persons who actually created a situation which forced the police to take an action which none of us like and which none of us want? But, Sir, our persuasions failed, the police also showed patience, and after that all that happened. I may tell you, Sir, that the mover of the motion is a member of the Bar Library. Let him go to the Bar Library and he will find that many of the members of the Bar Library who saw the incidents happening say that the police could not do otherwise. (Sri JYOTI BASU: We shall both of us go there.) Sir, I am not here now for defending the police, but I want the honourable the mover of the resolution just to find out how these things can be stopped. Sir, he has said that these people came to protest against the Special Powers Bill because it curbed the individual civil liberty. Well, Sir, he should as well realise that the members of this House have the same liberty to come and transact the business of the House. If people in the name of protesting against the Special Powers injure and jeopardise the corporate liberty of this House—the individual liberty of the people, can they claim that they are sincerely upholding the individual liberty? Would it be far wrong to say that when these boys were told by us that "today the Special Powers Bill is not on the agenda paper: we are going to discuss and pass the Black Marketing Bill" they would not listen to us, rather they threatened us saying, "if you go into the House you will have the Aung San incident". Well, if they think that they are the defenders of individual liberty of the people, God save us!

Sri JYOTI BASU: Did you take this reference to the Aung San incident seriously?

Sri J. C. GUPTA: Whether one has got to take it seriously or not, if anybody supports such indiscipline and such irresponsible talks, and irresponsible acts, I think they are doing the greatest harm to the freedom that we won after a long struggle against those who wanted to deprive us of that. Today, Sir, it has become necessary to clear up one point. The honourable member has said that we should go round and convince the people. I may tell the House that we did go round but the people who supported this demonstration would not listen to us.

There is only one other matter, Sir, I want to bring in. Does not the honourable member know that the Bill is already a law of the province on account of the Act that was passed and that it is in force till the 16th of March next?

Shaik MOHAMAD RAFIQUE: Who passed it?

Sri J. C. GUPTA: Your previous Ministry did that. What the Congress Government have done is that they have brought up this measure as a Bill as it has emerged from the Select Committee. With Congress majority the Government have modified the Bill and have omitted all clauses which are unnecessary, and they have limited the Bill to only four things,

namely, communal harmony, possession and use of unauthorised arms and ammunitions, prevention of goondas, and safety of the province. (Sri JYOTI BASU: Stability of the province.) Yes, stability of the province. I am glad to stand corrected. These are the objects of the Bill. Is there any one in Bengal who claims to be patriotic, who claims to be sensible, who claims to be impartial, who can stand up and say frankly and honestly that these are not things which should be ensured for Bengal. If that is the thing, if the Bill has been limited by the Congress Government to these particular points, I know there may be some who may think that there may be other provisions which have to be modified. But where is the man who calls himself a patriotic man who wants to safeguard the interest of all peace-loving citizens and shop-keepers who when they go out with the proceeds of their daily earning are robbed at the point of revolver——(Sri JYOTI BASU: They are robbed by the police.) who is there in Bengal who will not ask that Government ought to have all powers to prevent this? If in spite of this such a crusade is carried on against it, there would naturally be a doubt about their *bona fides*. If the Hon'ble Minister found that on a day which was fixed for passing the Black Marketing Bill people were carried by lorries to the Assembly Buildings to block the entrance to the gates, it was natural for him to think that the demonstration was in the interest of the black marketers. Again, when the modified Bill has softened the drastic provisions of the Bill as it now exists, can you really believe the people who do not want to get that Bill passed about their *bona fides*? I therefore ask those friends who have any influence with these obstructionists whom they consider to be patriotic to use all their influence with them not to violate individual liberties in the way they have been doing. Let them all see that the stability of the province, the communal harmony of the province, goondaism and the use of unauthorised arms and ammunitions be banished for ever from this province.

Sir, with these words I oppose the adjournment motion. (Applause.)

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, this adjournment motion concerns a matter which we all hold dear to our hearts, namely, the right of every citizen to promote, organise and conduct political demonstrations. And it will also bring to light, which we all detest, abhor, despise and hate, the totalitarian *zabardast* ways of the police. The Hon'ble Prime Minister in a statement yesterday said that if the members of the Assembly cannot come to the Assembly without fear of molestation, then good-bye to all ordered progress in the country. Sir, I shall say that if a band of a few hundred students cannot demonstrate against a Government measure which, rightly or wrongly, they condemn, without rousing the brute and the fiend in the police, then good-bye to all civil liberty in free Bengal. (Sri NIHARENDU DUTT-MAZUMDAR: You asked yesterday for protection to come into the House?) Yes.

Sir, the facts are briefly this: Yesterday and also the day before students of both sexes offered *satyagraha* in front of the gates of the Assembly to prevent the members from coming into the House before which the West Bengal Special Powers Bill, re-baptized as the Security Bill, was pending. Sir, the students and others were reflecting the feelings, sentiments and opinions of a section of the public. Whether that section of the public is large or small, or whether their strength is growing or diminishing, is beside the point and immaterial. But what is material is that they do represent a section of the public. Sir, we are reading in the papers everyday that all-party meetings, press conferences, and largely attended public meetings are held all over the country in condemnation of the Security Bill. Sir, demonstration by picketing has all along been accepted as legitimate and constitutional means, not perhaps by the British, but certainly by the Congress, of expressing disapproval or condemnation of measures. The persons who have been wantonly *lathi*-charged and fired upon are those that

have helped to install Congress in power. Sir, it is they who constituted the Army of the Congress who vanquished the British might on different fronts. Sir, it is indeed a very sad end they have come to.

Sir, independence has been won on their suffering and travail, and when, in pursuit of their ideal—the evolution of free politics in free Bengal—they come to the nation's Parliament, they are beaten up, tear-gassed and—as if this was not enough—shot down like pests and vermin.

Sir, the police resorted to *lathi*-charges to clear the way to allow the entry of members. Whether they were justified in using the amount of force they did is a matter of opinion. But, Sir, the firing took place when the House was in session. What was the justification of the police then to open fire on the defenceless crowd? I shall ask, what need was there for the police, when the House was in session and was engaged in its business to busy themselves with the demonstrators? Why could not they withdraw into the House or any other convenient place and leave the demonstrators alone? After the firing I met the Commissioner of Police who was personally supervising—or shall I say, conducting the operations. When I enquired of him as to who were the casualties, he replied "mostly innocent people". Sir, innocent people they all were—if demonstrating against a measure of a popular Government is a crime, then they were not perhaps innocent. But what are we doing? Are we emulating the British Raj who had to keep us down with their mighty police? Sir, they were aliens and had to keep us down by force of arms, but our Government is not alien—it is a popular Government—why should it need the police to keep us down? Are we then to conclude that the Government is not, after all, as popular as we have been led to believe?

Sir, we have been told that demonstrators are paid by the black-marketeers. It is most uncharitable even to think that the students would have lent themselves to be utilized in this manner and would have come and faced *lathi* charge and bullets for money.

Sir, supposing that what the Prime Minister yesterday said was true, then the next question that will crop up is—where are the Congress workers—why can't they stage a counter-demonstration to unmask and discredit these paid demonstrators—where are they? Have they, after the battle against the British has been won, settled down to enjoy the fruits of office?

Sir, the newspaper report of the official version of the number of rounds fired is thirty and the number of casualties inflicted 27 with one proving fatal. Who gave orders to open fire? Fire was opened simultaneously with revolvers and rifles. Why and under what circumstances was it necessary to open the attack on all fronts necessitating the simultaneous use of revolvers and rifles? How is it that rifles were fired at an angle which caused injury to a Barrister at work in his office? How is it that an ambulance worker sitting in a stationary jeep was fatally injured? All this is, I submit, proof conclusive that the firing was indiscriminate and panicky.

Sir, we as members of the Opposition owe a duty to the country. We must elicit a satisfactory explanation from Government as to why this sad incident occurred. As representatives of the governed, we shall ask Government to hold a public enquiry into yesterday's occurrences. Gone are the days of hush-hush British policy, backing up the official on the spot, etc. The Government is answerable to the nation and we demand of the Government to answer.

Sir, with these words I support the adjournment motion.

Mr. A. M. A. ZAMAN: মিঃ স্পীকার স্যার, আজকে যে adjournment motion এসেছে, তার সম্বন্ধে বলবার অনেক কিছু আছে। এখানে প্রথম কথাই হচ্ছে—যিনি adjournment

motion এনেছেন তিনি বলেছেন—"আমি বাইরে ছিলাম আটকে।" এখন আমরা স্বাধীনতা পেয়ে যখন স্বাধীন দেশের লোক হয়েছি তখন এই দেশে কি করে গুলি চললো। কথাটা দুই দিক দিয়ে দেখা উচিত।

আমরা মনে করে থাকি, সত্যই আমরা স্বাধীনতা পেয়েছি। স্বাধীনতা পেয়েছি যখন, তখন আর একজনের স্বাধীনতা হরণ করে নেব—এটা কোন দেশের আইনেই নাই। পর্শুদিন যখন অনেক মেম্বর ঢুকতে পারেন নাই তখন পিকেটারদের বোঝাবার চেষ্টা করেছিলেন; আমি নিজে পশ্চিম গেটে দাঁড়িয়ে বলেছি "আপনারা এখানে গোলমাল করে কেন আমাদের বাধা দিচ্ছেন, মেম্বরদের বাড়ী বাড়ী যান, গিয়ে তাদের বোঝান, সত্যাগ্রহ তাঁদের বাড়ীর সামনে করুন, তাহলে পুলিশ আর লাঠি চার্জ করতে পারবে না।" (Sri. J. C. GUPTA : হাঁ, রাস্তা দেখিয়ে দিন!) একথা বলা সত্ত্বেও তাঁদের সেদিকে লক্ষ্য নাই—লক্ষ্য ছিল শুধু assemblyর ধারে এসে গোলমাল করবার। আমার মনে হয় Demonstration পর্শু বা কাল আর কি হয়েছে! মনে আছে—তিন দিন আমরা এখানেই ছিলাম, লক্ষ লোকের উপর Demonstrationএ যোগ দিয়েছিল আগেকার মন্ত্রী-সভার আমলে এবং যারা সে Demonstration করিয়েছিল তারা ডাইনে বাঁয়ে টাকা খরচ করে সেটা এখানে এনেছিল। অত লোক এখানে এক সঙ্গে দেখবার সৌভাগ্য আবার হবে কিনা জানি না। সে সময়ও কিন্তু আমরা assemblyতে আসতে পেরেছিলাম। কিন্তু পর্শুদিন এখানে ঢুকতে পারি নাই। কালও ঢুকতে গিয়ে অনেক গালাগালি খেয়েছি। তাই জিজ্ঞাসা করি—কেন আপনারা এ জিনিসটা করছেন? বিলটা সম্বন্ধে নানা রকম মতামত আছে। কিন্তু আপনাদের অমত আছে বলেই যে সেটা এম্নিভাবে ব্যক্ত করতে হবে সেটা করা ঠিক নয়। আমি বলছি মিঃ জ্যোতি বসুকে—কমরেড, আপনি তাদের একটু বুঝিয়ে থামালেন না কেন? পরের ছেলে মারা গিয়েছে, লীডার কি কেউ মারা গেছে! (A VOICE : কেউ যায় নাই) আমি communal riotও দেখেছি riotএর প্রথম দিকের কথা—সেদিন শনিবার, আমি কলকাতায় ফিরবার জন্য ষ্টেশনে এসে দেখি ভীষণ গোলমাল। ঢুকে পড়লাম হ্যারিসন রোডে। দেখলাম উভয় দলের গুণ্ডারা একটা মিটমাট করে যার যার হাতিয়ার রাস্তায় সাজিয়ে রাখছে—হিন্দুরা রাখল পশ্চিমের ফুটপাতে, আর মুসলমানরা তাদের হাতিয়ার রাখলো পূর্বের ফুটপাতে। 50/50 ভাগ করে দাঁড়ালো। ভাবলাম ওরা যখন মিটিয়ে ফেলেছে তখন আর ভয় নাই। riotএর সময় সব জায়গায়ই দেখেছি কিন্তু হ্যারিসন রোডের মোড়ে যা হয়েছিল সেরকম জিনিস আর চোখে পড়ে নাই। Riotএ মরেছে অনেক লোক কিন্তু একজন লীডারও মরে নাই। (Hear, hear.) কালও একজন innocent লোক মরলো। এখানে এসে গলাবাজী আমরা অনেকেই করতে পারি, কিন্তু মরবার বেলায় মরে innocent লোক। শুধু এখানে জোর চিৎকার করলেই চলবে না সব দিক দেখা চাই। Ministryকে সব সময়ই comdemn করা হয়। এর আগের ministryকেও করা হয়েছে। কিন্তু ওর ভিতরে ঢুকলে এক রকম, বেরিয়ে এলেই আর এক রকম। মিঃ জ্যোতি বসু যদি ওখানে বসেন জানি না—তিনি কী করবেন। (A VOICE : তাহলে এর ৪ গুণ লোক অন্ততঃ মরবে।) কিন্তু এখন চেষ্টা করা দরকার দেশের যাতে উন্নতি হয়। দেশের লোক ত কেবলি মরছে, ম্যালেরিয়ায় মরছে, কলেরায় মরছে, দুর্ভিক্ষে মরছে, দাঙ্গায় মরছে। মরতে মরতে লোক সব শেষ হয়ে যাচ্ছে। এখন শুনতে পাই আমাদের countryর ভিতর থেকে militaryতে লোক না নিয়ে অন্য দেশ থেকে আনার চেষ্টা চলেছে। কিন্তু আমি জিজ্ঞাসা করি আমাদের দেশে কি লোক নাই? কিন্তু political issue তুলে যদি দেশের সর্বনাশ করা হয় তাহলে আমাদের আর উপায় নাই।

Mr. SPEAKER : Your time is up. ...

Mr. A. M. A. ZAMAN : এই আমি শেষ করছি, Sir. আমি সকলকেই স্পষ্ট কথা বলবো—প্রত্যেকেই সাবধান হোন। পুলিশ কাল গুলি করেছে। কিন্তু গুলি না করলে কয়জন আসতে পারতেন! তাই publicকে সাবধান হতে হবে দুদিক দিয়ে। পুলিশকে সাবধান করতে হবে, এবং নিজেদের সাবধান হয়ে চলতে হবে যেন পুলিশ কাল যে গুলি করেছে এরকম গুলি তাদের আর ভবিষ্যতে না করতে হয়।

Sri. KHAGENDRA NATH DAS GUPTA : মাননীয় স্পীকার মহোদয়, মাননীয় জ্যোতি বোস আজ যে adjournment motion এই পরিষদের সামনে উপস্থিত করেছেন আমি তার বিরোধিতা করতে দাঁড়িয়েছি।

গত দু-দিন ধরে এই পরিষদ ভবনের সামনে যে ঘটনা ঘটে গিয়েছে—বিশেষ করে কালকে গুলি চালান ও ইষ্টক বর্ষণের ফলে যারা আহত হয়েছে ও নিহত হয়েছে তাদের কথা মনে করে সত্যিই আমরা অত্যন্ত দুঃখ বোধ করছি। এটা সত্য কথা—এই যে আমাদের পরিষদ ভবনের সামনে দু-দিন যে বিক্ষোভ দেখা গিয়েছে এই বিক্ষোভ যাঁরা করেছিলেন তাঁরা গুটিকয়েক ক্ষুদ্র রাজনৈতিক দল কর্তৃক পরিচালিত হয়ে এসেছিলেন। তাঁরা কেউ ব্যক্তিগতভাবে বিক্ষোভ প্রদর্শন করতে আসেন নাই—বা এই বিক্ষোভ যেভাবে প্রদর্শন করা উচিত ছিল, সেভাবেও তাঁরা যান নাই। তাঁরা এসেছিলেন জোর করে সদস্যদের বাধা দেবার জন্য যাতে পরিষদ গৃহে সদস্যরা প্রবেশ করতে না পারে। এই পরিষদ কক্ষে, বিশেষ করে অধিবেশন চলা কালে, প্রবেশের অবাধ অধিকার পরিষদ-সদস্যগণের পূর্ণমাত্রায় আছে এবং এই অধিকার রক্ষা করা প্রত্যেক গভর্ণমেণ্টেরই কর্ত্তব্য এবং গভর্ণমেণ্ট তার কর্ত্তব্য পালন করবার জন্য পরিসদ-সদস্যরা যাতে পরিষদে অবাধে ঢুকতে পারে সে ব্যবস্থা করতে বাধ্য। গত দু-দিন আমরা দেখেছি যে দরজার সামনে একদল ছাত্র, শুধু ছাত্র নয় অনেক মজদুরও দেখেছি, তারা এসে বসে আছে। কোন সদস্য ঢুকতে গেলে জোর করে তাঁকে বাধা দেওয়া হয়েছে, ধাক্কা দেওয়া হয়েছে। এমন কি আমাদের দু-চারজন সদস্যকেও তারা প্রহার পর্য্যন্ত করেছে, গালাগালির ত কথাই নাই। কোন রকমে প্রথম দিন তাদের বোঝাবার চেষ্টা করাও হ'ল। কিন্তু কাকে বোঝাবো? তাঁরা ত বুঝতে চান না! তাঁরা চেয়েছেন যে কোন রকমেই হোক সদস্যদের পরিষদে ঢুকতে দেবো না। তাঁরা বলেছেন—আমরা Security Bill যেটা পরিষদের সামনে উপস্থিত হবে তার বিরুদ্ধে বিক্ষোভ দেখাবার জন্য এসেছি। তাই যদি হয় তাহ'লে গতকাল সেই বিলের আলোচনার দিন ছিল না, সংবাদপত্রের মারফৎ ক'লকাতাবাসী সকলে জানতেন যে গতকাল ঐ বিলের আলোচনা মোটেই হবে না, আলোচনার বিষয় সেদিন ছিল—Black-marketing বিল। তা সত্ত্বেও পরিষদ ভবনে যাতে কোন সদস্য প্রবেশ করতে না পারে তজ্জন্য তাঁরা এই রকম জুলুম সুরু করেন।

গত পর্শু আমি দু-বার পরিষদ গৃহে ঢুকতে চেষ্টা করবার পর দু-বার এসে দেখেছি পুলিশ চুপ করে দাঁড়িয়ে আছে, কোন রকম step পুলিশ নিচ্ছে না। বিশেষ করে পিকেটার যারা বসে আছে, তাদের বোঝাবার চেষ্টা করছেন আমাদের পরিষদ-বন্ধুগণ। কিন্তু তা সত্ত্বেও বিক্ষোভকারীরা সেখানেতে গোলমাল করার জন্য তৈরী হয়ে এসেছিলেন। তাঁরা কিছুতেই পথ দিলেন না। পুলিশ নিষ্ক্রিয় থাকা সত্ত্বেও এবং পরিষদ-সদস্যদের চেষ্টা সত্ত্বেও আমরা ঢুকতে পারিনি। তারপরে যখন জোর করে পুলিশ পথ করে দিল তখন আমরা ঢুকতে পেরেছি। কাল তাই হয়েছিল। পুলিশ তাদের কর্ত্তব্য করেছিল এবং আমাদের রাস্তা করে দিয়েছিল। তারপর পুলিশের উপর যে ইষ্টকবৃষ্টি কালকে চলেছিল তা আমরা নিজের চক্ষে দেখেছি। তখন আমরা North Block এ পার্টী মিটিংএ ছিলাম। আমরা দেখেছি যে কিভাবে পুলিশের উপর ইষ্টকবৃষ্টি হচ্ছে এবং পুলিশ প্রাণভয়ে কিভাবে হুটোছুটি করছে, তারা নিজেদের আত্মরক্ষা করবার জন্য ছুটে পালাবার চেষ্টা করছে।

Sri. JYOTI BASU : তারা কোথায়? পুলিশ কি হাসপাতালে আছে?

(A VOICE : আহা-হা)

Sri. KHAGENDRA NATH DAS GUPTA : একটি কথা উঠেছে যে যারা পিকেটিং করতে বসেছিল তাদের আমরা বোঝাবার চেষ্টা করিনি। কিন্তু সেটা সম্পূর্ণ ভুল কথা। আমার পূর্ব্ববর্ত্তী বক্তা গুপ্ত সাহেবও ব'লে গেছেন—একটা আশ্চর্য এই যে এই সমস্ত অপরিণতবুদ্ধি ও অপরিণতবয়স্ক ছেলেদের যারা পাঠিয়েছেন—তাঁরা, সেই নেতারা কেউ এখানে আসেন নাই। এখন যদি হ'ত যে তাঁরা এই পরিষদ ভবনের দ্বারদেশে এসে আমাদের বোঝাবার চেষ্টা করেছেন; কিন্তু তা হয় নাই; সেই নেতাদের কাকেও আমরা দেখতে পাই নাই। তাঁরা যদি সত্যিকার মনে করতেন যে Security Bill আমাদের দেশের পক্ষে অকল্যাণকর, তবে তাঁরা আমাদের বাড়ী গিয়ে এ সম্বন্ধে বোঝাবার চেষ্টা করতেন। তাঁদের প্রকৃত মতলব ছিল আমাদের এই গভর্ণমেণ্টকে অচল করে দেওয়া। যে কয়েকটা রাজনৈতিক দল এই কাজের পেছনে ছিল তাদের উদ্দেশ্য ছিল আমাদের এই কংগ্রেস পরিচালিত গভর্ণমেণ্টকে সর্ব্বরকমে অচল করে দেওয়া। এছাড়া আর কিছুই নয়। তারা যদি হাতে ক্ষমতা পায়, যে সদস্য এই adjournment motion এনেছেন—সেই সদস্য যে দলভুক্ত তাদের হাতে যদি শাসন ক্ষমতা এসে পড়ে, তবে এই বিল ত দূরের কথা সমস্ত রকম বিলের [illegible] তাঁরা পায়ে দলবেন। যারা বিরোধিতা করতে যাবে তাদের তাঁরা

সাইবেরিয়ার ঠান্ডা অঞ্চলে পাঠাবেন, আর না হয় গুলি করবেন। এই ত তাদের দলের কথা, তা আমরা জানি! তাদের পিতৃভূমি রাশিয়ায় কতখানি জনসাধারণকে বিরোধিতা করতে দেওয়া হয়—ব্যক্তি স্বাধীনতা কতখানি তা আমরা জানি। আসল উদ্দেশ্য হচ্ছে আমাদের এই গভর্ণমেণ্টেকে অচল করে দেওয়া।

Sri JYOTI BASU: On a point of order, Sir. The honourable member is maligning a friendly foreign Government,- the U.S.S.R. Is that allowed?

Mr. SPEAKER: Well, it is not desirable to refer to a foreign country as fatherland, but such expression has been used.

Sri. KHAGENDRA NATH DAS GUPTA : আর একটা কথা উঠেছে যে এই বিল অকল্যাণকর এবং জনসাধারণের সমর্থন এই বিলের পশ্চাতে নাই, এটা ঠিক কথা নয়। আমি যে দুটো সীমান্ত জেলা থেকে তাদের প্রতিনিধি হিসাবে এসেছি—জলপাইগুড়ি ও দার্জ্জিলিং, এই জেলা দুটোর অধিকাংশ কেন—শতকরা ৯০ জন লোক যাঁরা এই বিলটা সমর্থন করে, তারা এই বিলটা চায়। আমাদের এই দুটো জেলা কেন বাংলাদেশে যাঁরা স্থিরভাবে চিন্তা করেন তাঁরা প্রত্যেকেই এই বিলের যে প্রয়োজনীয়তা আছে তা অস্বীকার করবেন না। পূর্ব্ববর্ত্তী বক্তা বলেছেন counter-demonstration করবার কথা। এই counter-demonstration করতে চাইলে আমরা তা করতে পারতাম। হাজার হাজার, লাখ লাখ লোক আমরা ইচ্ছা করলে জড় করতে পারতাম। কিন্তু তাতে হ'ত কি? আমি দেখেছি বিক্ষোভ-কারী বলে কালকে যারা এসেছিলেন, তা শুধু রাজনৈতিক কারণে নয়, তাঁরা এসেছিলেন violenceএর অবতারণা করতে। আমরা যদি লক্ষ লোক আনতাম তাহ'লে একটা মারামারি বেধে যেত এ বিষয়ে কোন সন্দেহ নাই। পঞ্চাশজন determined লোক ইচ্ছা করলে দশ হাজার লোকের সভাও নষ্ট করে দিতে পারে।

Sri RATANLAL BRAHMIN: Ham do tho bat bolney ke liey khare huey hain ke hamare pahla jo bakta bole hain ke Darjeeling aur Jalpaiguri ke sab log isko samarthan kertey hain yeh jhut bat hai. Hambhi wahan ke ek admi hain aur ham khatey hain ke Darjeeling our Jalpaiguri ka koir admi bhi iska samarthan naheen karta.

Mr. ABUL HASHEM : মাননীয় সভাপতি মহাশয়! আমি এই মুলতুবী প্রস্তাব যা আমাদের বন্ধু শ্রীযুক্ত জ্যোতি বোস উপস্থিত করেছেন তাকে সর্ব্বান্তঃকরণে সমর্থন করবার জন্য উঠেছি। প্রথমেই এ কথা বোলে রাখা প্রয়োজন মনে করছি যে সমস্ত বিক্ষোভকারীরা এই কয়দিন ধরে এসেম্বিলি সভাগৃহের আশপাশে বিক্ষোভ প্রদর্শন করছেন এবং যে পদ্ধতির দ্বারা তাঁরা নিজেদের বিক্ষোভের অভিব্যক্তি করছেন তার সঙ্গে ব্যক্তিগতভাবে আমাদের কারও অথবা সকলের সম্বন্ধ নেই। আমরা নিজেরা প্রথম দিন থেকে বহুবার চেষ্টা করেছি এই সভাগৃহে আসবার জন্য। প্রথম দিন সক্ষম হ'তে পারিনি, দ্বিতীয় দিন সক্ষম হয়েছি। সেদিন দেখেছি যে পুলিশের গাড়ীতে এবং বন্দুকধারী পুলিশের হেপাজতে অনেক সদস্যকে এখানে আসতে হয়েছে। পুলিশ দয়া কোরে আমাদের আসবার, আমাদের প্রতি অনুগ্রহ দেখাবার প্রস্তাব করেছিল কিন্তু ব্যক্তিগতভাবে এবং দলগতভাবে আমরা এটা অনুভব করেছিলাম যে এই আইন সভার মধ্যে পুলিশ পাহারায় যাওয়া আমাদের পক্ষে অত্যন্ত লজ্জাকর ব্যাপার হবে। এ কথা আগেই বলা প্রয়োজন হ'ল এই জন্য যে আমি দেখলাম আজ পর্য্যন্ত এই সম্পর্কে এবং যে সম্পর্কে এই বিক্ষোভের সৃষ্টি হয়েছে সে সম্পর্কে যে সমস্ত বিবৃতি দেওয়া হয়েছে এই গৃহের মধ্যে এবং এই গৃহের বাহিরে সেখানে আমি এই ব্যাপারটাকে অন্য দিক দিয়ে পরিচালিত করবার প্রচেষ্টা দেখেছি অর্থাৎ জনগণের বিক্ষোভ যে বিষয়ে আছে এই যে বিক্ষোভকারী এদের উদ্দেশ্য যে তা থেকে তফাৎ এটা প্রমাণ করবার জন্য অনেক চেষ্টা হয়েছে। আজও বক্তৃতার মধ্যে অনেক ইঙ্গিত পেয়েছি যে এই দল বা ঐ দল বা কোন দলকে বলা হয়েছে যে তারাই দায়ী এই বিক্ষোভের জন্য এবং এই পরিণতির জন্য। সেই জন্যই আগে ঐ কথা ব'লে রাখা প্রয়োজন বোলে মনে করেছি। আমি যে বিল বা আইন সম্বন্ধে এই বিক্ষোভের সৃষ্টি হয়েছিল তার সম্বন্ধে কোন কথা বলতে চাই না। তবে একথা বোলে রাখতে চাই যে এই আইন সভার মর্য্যাদা আছে এবং সেখানে প্রত্যেক সভ্যের নিরাপদে আসবার, যাবার এবং কার্য্য পরিচালনা করবার সম্পূর্ণ সুযোগ থাকা উচিত। এ বিষয়ে আমি সকলের সঙ্গে বিশেষ কোরে বর্ত্তমান মন্ত্রিমণ্ডলীর সঙ্গে একমত। যদি মন্ত্রিমণ্ডলী প্রয়োজন মনে করেন যে House of Commonsএর মত এই গৃহের নিরাপত্তার জন্য কোন প্রস্তাব বা বিল

উপস্থাপিত করেন তাতে আমাদের পূর্ণ সহানুভূতি ও সহযোগিতা থাক্‌বে। একটা কথা আমার মনে বাজ্‌ছে এবং তার জন্যই এই প্রস্তাব সমর্থন কর্‌তে উঠেছি। আমার এই আইন সভার দশ বৎসরের অভিজ্ঞতা আছে। এর মধ্যে এই যে বিক্ষোভ কাল পরশু দেখেছি তার চেয়ে অনেক বড় বড় বিক্ষোভ পূর্ব্বে দেখেছি; অনেক জনসমাগম আইন সভার চারিপাশে অনেকবার দেখেছি; কিন্তু আমার যতদূর স্মরণ আছে প্রাদেশিক স্বায়ত্তশাসনের পূর্ব্বে যখন ইংরাজের হাতেই ষোল আনা শাসনক্ষমতা ছিল এবং দেশবাসীর তাতে কোন হাত ছিল না তখনকার আমলে এবং প্রাদেশিক স্বায়ত্তশাসনের মধ্যেও এরকম দুর্ঘটনা কখন ঘটেনি বা ঘট্‌বার সুযোগ হয়নি, অর্থাৎ কাল যে এই আইন সভা গৃহের মধ্য থেকে গুলি ছোড়া হয়েছে এবং এই আইন সভার দরজার সামনে হত এবং আহত হয়েছে এরকম দৃশ্য আমাদের কখন দেখ্‌তে হয়নি। বলা হচ্ছে যে এই বিক্ষোভ যারা ক'রেছে তাদের উস্কানী দেওয়া হয়েছে। এরকম কথা অনেককাল থেকেই শুনে আস্‌ছি। আজ যাঁরা ওধারে বসেছেন তাঁদের মুখ থেকে ওরকম কথা অনেকবার শোন্‌বার সুযোগ হয়েছিল। ১৯০৫ খৃষ্টাব্দ যখন থেকে বাংলায় বিপ্লব আন্দোলন সুরু হয়েছে, দেশের স্বাধীনতার জন্য বিপ্লব পন্থা অবলম্বন কোরে অনেক দেশপ্রেমিক যুবক যারা হত্যা কোরেছিল এবং ফলে তাদের ফাঁসী যেতে হয়েছিল তখনও তাদের সেই কাজের সমর্থন বড় বড় নেতৃস্থানীয় ব্যক্তিরা করেননি, কিন্তু তাদের যে উদ্দেশ্য সেই উদ্দেশ্যের প্রতি লক্ষ্য কোরে তাদের প্রতি সম্মান দেখিয়েছেন এবং তাদের দেশপ্রেমিক এই আখ্যা দিয়েছেন। একথা বোধ হয় মাননীয় প্রধান মন্ত্রী মহাশয় এবং তাঁহার সমর্থক ও সহযোগিগণের মনে আছে। তেমনি আমি বল্‌তে চাই বিক্ষোভ যাঁরা কর্‌তে এসেছিলেন তাঁদের বিক্ষোভ দেখাবার পন্থাটা গর্হিত ও অন্যায় একথা স্বীকার কর্‌লেও বলতে হয় যে ঐ সকল যুবক ও ছাত্রেরা রাজনৈতিক গূঢ়তত্ত্ব শিখ্‌বার সুযোগ এখনও পাননি। তারা অপরের উস্কানীতে এখানে উপস্থিত হয়েছিলেন, কিন্তু তাঁদের প্রতি এরকম দুর্ব্যবহার না কোরে তাঁদের উদ্দেশ্যকে সম্মান ক'র্‌লে চল্‌ত কি না সে কথা একটু চিন্তা করা উচিত। একটি কথা কয়েক দিন থেকে শুন্‌তে পাচ্ছি—খবরের কাগজের বিবৃতিতে দেখ্‌ছি এবং প্রধান মন্ত্রী মহাশয় বিশুদ্ধ ইংরাজী ভাষায় বলেছেন যে "Force can be met only by force" অর্থাৎ বলপ্রয়োগ বলপ্রয়োগের দ্বারা উপশমিত কর্‌তে হবে। (A VOICE: না, না, না) কিন্তু বলের দ্বারা যে বলকে উপশমিত করা যেতে পারে, পরাজিত করা যেতে পারে এ তত্ত্ব যে আজকে আবিষ্কৃত হয়েছে তা নয়। আমি বল্‌তে চাই একথা যে বলের দ্বারা পরের বলকে ধ্বংস করা যেতে পারে যদি তার পশ্চাতে জনমতের পূর্ণ সমর্থন থাকে। তা না হ'লে জনমতের বিরুদ্ধে কোন দলকে দমন করবার জন্য যদি বল-প্রয়োগ হয় তাহ'লে তাতে ধ্বংসেরই পথ প্রস্তুত হয়। আর সেই জনমতের সমর্থন না থাক্‌লে তাঁরা ওধারে বস্‌বার সুযোগ পেতেন না। কেন না যাদের বিরুদ্ধে তাঁরা ছিলেন আজ স্বাধীনতা লাভের পরও তাদের হাতে আগে যা বল ছিল এবং এখন যা বল আছে সে বলের সঙ্গে তুলনা কর্‌লে স্বাধীন ভারতের বল তুচ্ছ, সমুদ্রে বারিবিন্দুর মত। তাছাড়া আমি আশ্চর্য্য বোধ কর্‌ছি যে যাঁকে ভারতের আধুনিক যুগের রাজ-নৈতিক গুরু বলা যেতে পারে এবং মাননীয় ডক্টর প্রফুল্ল চন্দ্র ঘোষ যাঁর সহকারী এবং শিষ্য এবং যিনি রাজনীতির মধ্যে নীতি এবং দর্শন ঢুকিয়ে দিয়ে তাকে মার্জ্জিত করতে চেয়েছেন। তিনি ডক্টর ঘোষের এ কথার সমর্থন কর্‌বেন কি না। কারণ কলিকাতায় যখন দাঙ্গাহাঙ্গামা অত্যন্ত বেড়ে উঠেছিল এবং যখন আমাদের সম্প্রদায়ের জীবন বিপন্ন হয়েছিল তখন আমার সুযোগ হয়েছিল সোদপুর আশ্রমে সেই মহাত্মা গান্ধীর সঙ্গে দাঙ্গা উপশমের ব্যবস্থাকল্পে সাক্ষাৎ করবার। তাঁকে আমি নিজের কানে বল্‌তে শুনেছি যে বলপ্রয়োগের দ্বারা দাঙ্গাহাঙ্গামার উপশম হ'তে পারে না, উচ্ছৃঙ্খলতা দূর করা যেতে পারে না। তিনি নিজের জীবন বিপন্ন কোরে কলিকাতায় এসে জনসাধারণের মধ্যে কাজ কোরে দাঙ্গাহাঙ্গামা উপশম কোরেছিলেন। আমি তাঁর সে কথা বিশ্বাস করি। ডক্টর প্রফুল্ল ঘোষ অনেক ক্ষেত্রে বলেন এবং আমাদের শেখাতে চান যে স্বাধীনতা এবং উচ্ছৃঙ্খলতা এ দুয়ের মধ্যে পার্থক্য কত। আমরা যারা এখানে এসেছি তাদের কাকেও রাজনীতির প্রাথমিক স্কুলের ছাত্র বোলে মনে করবেন না। আমরাও জানি উচ্ছৃঙ্খলতা ও স্বাধীনতার মধ্যে কি ভেদ আছে। আবদর রহমন সিদ্দিকী সাহেব বলেছেন আমরা মুসলমানেরা সংখ্যালঘু এবং আমাদের মনে আশঙ্কা আছে যে উচ্ছৃঙ্খলতার সৃষ্টি হ'লে সবচেয়ে ক্ষতিগ্রস্ত হব আমরা। উচ্ছৃঙ্খলতাকে আমরা ভয় করি; তাকে গুলিবর্ষণের দ্বারা ঠেকান যাবে না, বরং তাকে ডালভাবে নিমন্ত্রণ কোরে আনা হবে। ইংরাজীতে "tact" বোলে একটা কথা আছে। যদি অন্যায় কোরে থাকে এই বিভ্রমকারীরা, যদি তাদের বুদ্ধিভ্রম হয়ে থাকে তাহ'লে সেকথা মন্ত্রিমণ্ডলীর স্বীকার কর্‌তে লজ্জা কি? কেন তাঁরা এ কথা স্বীকার ক'র্‌তে লজ্জিত হবেন? Tactএর অভাব তাঁদের মধ্যে রয়েছে। আমি বল্‌তে পারি না যে জনমতের সমর্থন তাঁদের পশ্চাতে নাই; কারণ কংগ্রেস দেশের

কাজ ক'রেছে এবং তার মার্ফতেই দেশে স্বাধীনতা এসে পৌঁছেছে এবং এখনও সে সর্বোচ্চ শিখরে বসে আছে। সেই জন্য একথা বল্‌তে পারি না যে জনমত তাদের সঙ্গে নাই; তব্‌ একথা বল্‌ব যে তাদের সে কার্যতৎপরতা গেল কোথায়? বলকে যদি বলের দ্বারা দমন করতে হয় তবে যে বলের দ্বারা দমন করা যাবে সেই বলের অনুরূপ বলের দ্বারাই তাকে দমন করা উচিত। যদি মুষ্টিমেয় blackmarketeer বা কালাবাজারের দালাল বা এইরূপ জনকয়েক লোকের উস্কানীতে যদি এই লোকগুলো এসে থাকে তবে তাঁদের উস্কানীতেও লক্ষ লক্ষ লোক আস্‌তে পার্‌ত। আমি বল্‌ছি না যে তারা এলেই এখানে দাঙ্গার সৃষ্টি হ'ত; তা নয়। অনেক সময় আমরা বিক্ষোভ দমন করবার জন্য জনমতকে আমাদের চারিদিকে সৃষ্টি করবার চেষ্টা ক'রেছি, এবং সফলতার সঙ্গেই সে কাজ করেছি। আজকে ত সভা হচ্ছে মীর্জাপুর পার্কে এবং হাজরা পার্কে। কংগ্রেস নেতৃবৃন্দ ত ইচ্ছা কর্‌লে বড় বড় অনেক সভা কর্‌তে পারতেন। তাঁরা যে করেননি সেটা ভাল কাজ নয়। তাঁদের না করাটা প্রকাণ্ড বড় omission এবং অন্যায় কাজ হয়েছে এই জনমত সৃষ্টি করার চেষ্টা না করাটা। যদি কর্‌তে পারতেন তাহ'লে সেই জনমতের চাপে আজ এই বিক্ষোভকারীরা কোথায় চলে যেত। ভবিষ্যতে তাঁরা যে নীতি অবলম্বন কর্‌বেন তার মূলে যদি থাকে দমন নীতি তাহলে সেটা অত্যন্ত আশঙ্কার বিষয় হবে।

(Here the member having reached his time-limit resumed his seat.)

Mrs. E. M. RICKETTS: Mr. Speaker, Sir, although I may not have fought for freedom, I certainly know how to work for freedom and the happenings which we have seen around the Assembly during the last day or two can certainly have no place in the work for freedom. We as a nation cannot be free unless every individual is free to come and go as he pleases. There would be no objection to demonstrations as long as they remained peaceful. In fact, if these demonstrations remained peaceful, it is very likely that some of us might even join the demonstrators. No Government can be terrorised into abandoning a measure. We have often heard that the pen is mightier than the sword. In these enlightened days it is still possible that negotiation and tact can be more productive of results than force. There must always be give and take on both sides. The crowds outside the Assembly feel that they have placed us here in the legislature and we are now endeavouring to overlook their wishes. If they show by peaceful demonstrations that the repressive measures against which they are demonstrating are unnecessary, it is very likely that they would win much support for their opinion. The attitude towards a popular Government and a popular Minister should be quite different from what it was towards an alien power. History all over the world proves that during the period of transition it is necessary and essential to the avoidance of anarchy that a leader should be found who is worthy of trust and we must trust him all the way. Bengal has a new leader. It is up to all leaders of other parties to co-operate with him. It is they who have greater influence with their own followers and it is up to them to persuade those followers to act in such a way that the Minister who is in charge of maintaining law and order in this province should not be obliged to have resort to stringent measures. We all regret most sincerely the firing which has taken place, but I do feel that the responsibility for this must be placed on the leaders who have brought these young people here and not on any member of the Government.

Sir, with these words I oppose the adjournment motion.

Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, I thank the honourable mover of this adjournment motion for affording this House an opportunity freely and frankly to discuss the regrettable happenings of yesterday. Sir, intervening in this debate I feel that we all have a heavy heart over what has happened yesterday. It was beyond our imagination that within such a short time of the first meeting of this Legislative Assembly in free Bengal, such a deplorable state of affairs would come to be. From the bottom of my heart I send out my sympathy to the bereaved families who have suffered—suffered on account of a situation which it would be for all sensible men—for the Government as well as for the members of this House—to find out where the root cause of these incidents lies.

Sir, Bengal has paid a very heavy price for getting peace. It was not very long ago that life in Bengal was abnormal—abnormal to the extent that a citizen could not stir out in ordinary life without fear of the assassin's knife. Sir, shortly after the installation of this Government in office under the leadership of Dr. Prafulla Chandra Ghosh and thanks to the untiring efforts of the father of the Indian nation Mahatma Gandhi, Calcutta got back its peace. Sir, we cannot afford to forget that the Congress paid heavily in order to get that peace. The Congress had to pay heavily a price—that price cannot be reckoned in any currency, that price is reckoned in the lives of several Congressmen who at the head of peace brigades sacrificed themselves, fell martyrs, in order to give back Calcutta her peace and an opportunity to the Government and our people to turn to the needs of development, progress, to see a happy and prosperous Bengal where Hindus or Muslims might forget in political and civic life their religion which they might pursue with devotion in their temples and mosques. Sir, those men through whose lives we paid the price to get the peace of Bengal were no other than several Congressmen whose names have been mentioned here in the press and platforms—everywhere. They were important Congress workers and office-bearers of the Bengal Provincial Congress Committee. Sir, I do not know of any political worker of their rank of the other parties, who have suddenly taken upon themselves to become the exponents of democracy and rights of the people, having made a sacrifice worth mentioning.

Sir, that hard-earned peace which was established after the installation of a free Government was lamentably disturbed on the 21st November, the very day when this House had the privilege of meeting. Sir, I do not wish to repeat the incidents of that day. The unhappy incidents of the 8th, 9th and 10th December are but a sequel to what had happened on the 21st November.

Sir, we have seen the practice in Europe of States exchanging their representatives to proclaim the mission of peace; we have seen diplomats embracing and hugging each other while they have been sharpening the knives for perpetrating the most nefarious and barbarous wars history has ever seen.

We were told, Sir, on the 21st November that a so-called demonstration would be coming in order to greet the new Assembly in this House. They would be hugging the Ministry because the unscrupulous assassin has got to hug you before he stabs you in the back. Sir, we know from our ancient epics of this land the fruit of wisdom of ages—things such as Dhritarastra's *alingan*. That was perhaps the nefarious game that was brought out. I have not a word of blame to utter for these youthful demonstrators who are demonstrating, who are pelting stones at the Assembly members while they were coming to the Assembly. I have not a word of blame to utter against them. Sir, it is known that youth and students are very easily led away by their imagination. Youth and students have contributed magnificently to the cause of our freedom. Members, on this side of the House, know it to their bitter cost. There are very few on this side of the House who have not got their near and dear ones, their brothers and children, youth and students of their own homestead, who have not taken brunt of the burden for the struggle of freedom on themselves. I therefore have not a word of blame for them. But at the same time if they fall under irresponsible and unscrupulous clutches, they are led to the path of the devil where the worst things can happen. After the 21st November there was a period of lull, and on the 8th December when this House met, suddenly a demonstration, not exclusively of students, but a demonstration of people with a sprinkling of students arrived. We accepted them as students. The honourable mover of this motion had conveniently forgotten that members on this side of the House had met those deputationists at the very gate. They met those deputationists,

they received their representatives, and the Hon'ble Chief Minister received them and talked to them. It was in recognition of this fact that any section of the people here in this country has the right to represent their grievances to members of the public who assemble in this temple of liberty. Sir, if there is any guarantee of safety in any free country, it is the legislature, it is the legislature of the elected people. Since legislatures came to be established in this land from British time up till today we have not a single occasion when anybody obstructed the way of the legislators from coming to this place. We pay our homage and offer our prayer to the temples of sectarian religions, but the only thing that binds the people as a nation, the only thing that makes us come together with a view to take upon themselves the responsibility for legislation is the legislature. For that we assemble in the sacred precincts of this legislature which can be styled as the temple of liberty. I am sorry to notice that the honourable mover had a lot of things to say, but he conveniently forgot even to mention one aspect of the thing—an aspect over which the honourable leader of the Opposition wanted the protection of the Home Minister only yesterday. He conveniently forgot to mention that by adopting the fascist methods the way of representatives was obstructed by some people and it is not known—we have to find out who are the people responsible for coercing the legislators for barring the passage. It is the precursor of this tendency which gave rise to Mussolini who marched with his hooligans and band of fascists to the Parliament in Milan and called it Monkey House fit to be dispersed, and installed the Fascist Raj. These jackals who are now howling in the name of liberty were—if I may style them—pseudo-democratic experts of totalitarian parties. But they need not forget the fate of Italy, the fate of Rome, the fate of those who obstructed the way of the legislators going to the Parliament. They need not forget the fate of those Fascists in Europe. It is that Fascist method which they conveniently forget to condemn or even to refer to it. Today the public has to be put on its guard. As the Hon'ble the Chief Minister said we are now sitting on a volcano. I hope the honourable mover of the motion will not expect the Chief Minister to divulge all the facts which he has in his possession, for the purpose of serving his masters whom the totalitarian parties used to serve as agents or fifth columnists. Therefore if we have installed a man in this first Government to lead us, it is with the fullest trust and confidence that we have done so. For the purpose of protection of every homestead of our citizens, people want policemen to come with loaded pistols, with loaded guns. When the rioters were about, everyone was clamouring for policemen with loaded pistols, but no one was objecting that the policemen could not be trusted. You wanted precisely the same policemen to come and stand with loaded pistols in order to defend them. I would also like to remind them today that their spokesman and leader—I will quote an ex-leader of the Congress Assembly Party of this House during the British regime—had declared a certain party as public enemy No. 1. But to-day I am grieved to think what is it that makes him join hands with those who had been declared by my ex-leader as public enemy No. 1. Is it that he joins with them knowing the full implications of his declaration? Or is it because of a certificate that they have given that he has changed?

Sir, I commend to this House that this motion be rejected and I do so with the fullest sense of responsibility that this House, as the custodian of the liberty of our people, have got to face a situation and to fully arm this Government to secure the liberty of the people of this province.

Mr. C. C. D. WILKS: Mr. Speaker, Sir, I would like to oppose the motion for adjournment. I would also like to express my regret at the unseemly incidents which we have seen round the precincts of this Assembly. The Government has acted in the only manner possible. Independence is not to be taken for licence. The public are entitled to voice their protests, but these protests must be voiced in a lawful manner. Law and order must

be enforced. I feel secure that the Hon'ble Home Minister was fully satisfied with the seriousness of the situation, and as a last resort only gave the necessary orders to overcome the situation to avoid further loss of life. I much regret that the honourable members of this House in the heat of speech have overlooked to express their sympathy for the untimely death of Shri Sisir Kumar Mandal of the Relief Workers Ambulance Corps. May I ask you, Sir, and through you the honourable members to rise in their seats and express their sympathy by observing silence for a minute, and further, Sir, may I ask you as Speaker of the House to sent expression of our sympathy to his bereaved parents in their terrible loss.

Sri. NIKUNJA BEHARI MAITY: মাননীয় স্পীকার মহাশয়, এই মুলতুবী প্রস্তাব এনে আমাদের একটা সুবিধা দেওয়া হয়েছে বলে আমি মনে করি। আমাদের কোন কোন বন্ধু বলছিলেন যে "বিক্ষুব্ধ জনতার সম্মুখে আপনারা এগিয়ে গিয়ে কেন সভা-সমিতি করেননি? আপনারা লক্ষ লোক নিয়ে সেখানে হাজির হ'ননি কেন? আপনাদের একটু ভুল হয়ে গিয়েছে।" আমরা এই মুলতুবী প্রস্তাবটি পেয়ে আমাদের বক্তব্য আমরা বলতে চাই। এটা এতই গুরুতর যে আমি লিখিতভাবে আমার নিজের অভিজ্ঞতা ও আমার নিজের মত দিতে চাই। গত দু-দিনের যা আমার অভিজ্ঞতা, সেটা আমি পড়ে শোনাচ্ছি।

গতকল্য আমি আমার বন্ধু শ্রীঈশ্বরচন্দ্র মাল, এম. এল. এ. এবং মেদিনীপুর জেলা কংগ্রেস কমিটির সম্পাদক শ্রীচারুচন্দ্র মহান্তি, এম, এল, এ, সহ একটি গাড়ীতে করিয়া এসেমব্লির অধিবেশনে যোগদান করিবার জন্য আসি। আমাদের সঙ্গে ডাঃ বীরেন্দ্রনাথ বসু ছিলেন। আমাদের গাড়ী যখন পশ্চিমের দরওয়াজা পেরিয়ে উত্তরের গেটে যাওয়ার জন্য উত্তর দিকে অগ্রসর হতে থাকে, তখন কয়েকজন যুবক গাড়ীটি ঘিরে ফেলে এবং উত্তেজিতভাবে গাড়ীতে ইট,পাটকেল মারতে আরম্ভ করে। একটি ছেলে গাড়ীর ছাদের উপর উঠে পড়ে, একজন গাড়ীর চাবি কেড়ে নেয়, কয়েকজন ঈশ্বর বাবু ও চারু বাবুকে গালাগালি করতে থাকে। বীরেন বাবু সামনে বসেছিলেন, তাঁকে চড় মারে এবং তাঁর মাথার খদ্দরের টুপি কেড়ে নেয়। হৈ হৈ করে আমাদের গাড়ীর পিছনের কাঁচ ভেঙ্গে দিল, বীরেন বাবুকে আরও চড়-চাপড় মারতে থাকে এবং সকলকে গালাগালি করে। গাড়ীটি বীরেন বাবুর ছিল সেজন্য আমরা তাঁর কাছে আরও দুঃখিত। কিছুক্ষণ পরে অনুগ্রহ করে কয়েকজন পথ করে দিলে আমরা ফিরে যাই। দু-একজন বল্লেন বটে যে "আপনারা ইচ্ছা করলে ভিতরে যেতে পারেন।" কিন্তু আমরা ফিরে যাওয়াই নিরাপদ বলে মনে করি। পথে শ্রীযাদবেন্দ্রনাথ পাঁজা, এম, এল, এ, শ্রীসতীশচন্দ্র চক্রবর্ত্তী, এম, এল, এ, শ্রীঅন্নদা প্রসাদ মণ্ডল, শ্রীকুবেরচন্দ্র হালদার, শ্রীকানাইলাল দাস এবং শ্রীশ্যামাপদ চক্রবর্ত্তী, এম, এল, এ, মহাশয়গণের সঙ্গে দেখা হয়। তাঁরাও ঢুকতে না পেরে ফিরে যেতে বাধ্য হন। এর পূর্ব্ব দিনও আমি এসেমব্লিতে প্রবেশ করতে পারিনি। আমি যখন পশ্চিম গেটে আসি তখন ঐ গেটে ১০।১২ জন লোক ছিলেন। তাঁরা আমাকে ঢুকতে বাধা দেন। তাঁদের মধ্যে কেউ ছাত্র, কেউ বা মজদুর ছিলেন। কেউ কেউ অন্য লোকও হতে পারেন, তাঁদের সম্বোধন করে বলি যে "আপনারা কেন বাধা দিচ্ছেন?" উত্তরে তাঁরা বল্লেন যে তাঁদের অনেক আপত্তি আছে। এই কালা আইন প্রত্যাহার করতে হবে, ডাঃ সুরেশ ব্যানার্জি আমাদের ট্রেড ইউনিয়ন কংগ্রেস ভেঙ্গে দেওয়ার চেষ্টা করছে, আমাদের বোনাস ও মাগ্গিভাতা দেওয়া হচ্ছে না, সুতরাং এই গভর্ণমেণ্টকে তোড়তে হবে, ভেঙ্গে দিতে হবে। আমি বলি ঐ বোনাস ইত্যাদির কথা ত আলোচনা করে হতে পারে। আমি আরও বলি যে ঐ Special Powers Bill যেটাকে আপনারা Black Bill বলছেন সেটার আলোচনা আজ হবে না। কিন্তু আমার কথা অগ্রাহ্য করে তাঁদের অনেকে বলে উঠেন যে ঐ বিলের আলোচনা আজই হবে। আমি পুনরায় তাঁদের বলি যে আমার কাছ থেকে কথা নেন যে আজ হবে না, কিন্তু তাঁরা কিছুতেই পথ করে দিলেন না, সকলে গেটের সম্মুখে শুয়ে পড়েন, অগত্যা আমি ফিরে গেলাম।

এখন পরিস্থিতিটি বিবেচনা করা যাক। এই আইন সভার সদস্যরা লক্ষ লক্ষ লোকের প্রতিনিধি হয়ে এসেছেন। এই প্রদেশের লক্ষ লক্ষ লোক চান যে আমরা এখানে জমায়েত হয়ে আমাদের জ্ঞান বুদ্ধিমতে আইন প্রণয়ন, সংশোধন বা পরিবর্জ্জন করি এবং দেশের কল্যাণজনক কার্য্য করি। যদি কোন আইন অন্যায় বলে কোন শ্রেণীর লোকের নিকট বোধ হয়, তাহা হ'লে তাহা যাহাতে পরিবর্ত্তন, সংশোধন বা পরিবর্জ্জন হয় তজ্জন্য যে সকল বৈধ পন্থা রয়েছে তাহার মধ্যে যে কোন একটি বা সবগুলিই গ্রহণ করতে পারেন। প্রথমতঃ আইন সভায় তাঁহাদের সদস্যদের সাহায্যে সংশোধনী প্রস্তাব ইত্যাদি দিয়া, ঐ আইন সম্বন্ধে তাঁহাদের ইচ্ছানুরূপ ব্যবস্থা করতে পারেন। দ্বিতীয়তঃ সভা-সমিতি করে, বিধিসঙ্গত উপায়ে জনমতকে তাঁদের

স্বপক্ষে আনতে পারেন। তৃতীয়তঃ বিলের প্রণয়ন কর্ত্তাদের সঙ্গে আলাপ আলোচনা করে বিষয়টির বৈধতা বুঝিয়ে উহা আবশ্যকমত পরিবর্ত্তন বা সংশোধন করতে পারেন। বর্ত্তমান ক্ষেত্রে তাঁরা ইচ্ছা করলে কংগ্রেস পার্লিয়ামেন্টারী বোর্ডে আপীল করতে পারেন। সর্ব্বজনশ্রদ্ধেয় ডাঃ রাজেন্দ্র প্রসাদ ঐ বোর্ডের প্রেসিডেন্ট। ন্যায্য বিষয় তাঁর নিকট উপস্থিত করলে তাহা উপেক্ষিত হবে অতি বড় নিন্দুকেরাও অস্বীকার করবেন। পরিশেষে সামনে নির্ব্বাচন আসছে। যাঁরা এর বিরোধিতা করছেন তাঁরা বলেন যে জনমত তাঁদের পেছনে রয়েছে। যদি তাই হয় তাহলে নূতন গভর্ণমেণ্টের পুনঃ নির্ব্বাচনে সংখ্যাধিক্য হয়ে এসে এই আইন সম্পর্কে ইচ্ছামত ব্যবস্থা করতে পারেন। এইটি তাদের plank হতে পারে। এছাড়া যদি অন্য ব্যবস্থা হয় তবে তাহা ফ্যাসিষ্ট মেথড বা পন্থা ছাড়া আর কিছু হতে পারে না। বিশেষতঃ আইন সভার সদস্যদিগকে না আসতে দেওয়া—এটা ফ্যাসিজম ছাড়া আর কিছুই নয়।

আমরা civil liberty বা ব্যক্তি স্বাধীনতা চাই, কিন্তু লাইসেন্স বা ফ্যাসিজম চাই না। সদস্যদিগকে সভায় না আসতে দেওয়া, দেশের সমূহ কার্য্যকে বন্ধ করে রাখা। এগুলি ফ্যাসিজমের রূপ বলে আমরা মনে করি। এই আইন সভায় যাঁরা এসেছেন, তাঁদের পিছনে জীবন ব্যাপী সাধনা, ত্যাগ রয়েছে। ডাঃ প্রফুল্লচন্দ্র ঘোষ, ডাঃ সুরেশচন্দ্র ব্যানার্জি, চারুচন্দ্র ভাণ্ডারী, ভূপতি মজুমদার, যাদবেন্দ্র নাথ পাঞ্জা, চারুচন্দ্র মহান্তি, বিপিন বিহারী গাঙ্গুলী, বারীপদ মুখার্জি, ঈশ্বরচন্দ্র মাল, খগেন্দ্রনাথ দাশগুপ্ত, রজনীকান্ত প্রামাণিক, শ্যামাপদ ভট্টাচার্য্য, প্রমথনাথ বন্দ্যোপাধ্যায়, সুকুমার দত্ত, অন্নদা প্রসাদ চৌধুরী, হেমন্তকুমার বসু, সতীশচন্দ্র চক্রবর্ত্তী প্রভৃতি আরও কত লোকের নাম করব। এই আইন সভার সদস্যগণ গত ২৭ বছর ধরে দেশের সেবা করে এসেছেন, এবং বহুবার জেলে গেছেন এবং এখনও সত্যের জন্য, ন্যায়ের জন্য সমস্ত ক্ষতি স্বীকার করে কারাগারে যেতে প্রস্তুত আছেন। এমন কি প্রয়োজন হ'লে প্রাণ বিসর্জ্জন দিতেও কুণ্ঠিত হবেন না। দেশকে তাঁরা কারুর থেকে কম ভালবাসেন না। কাজেই আইন সম্বন্ধে কাহারও কোন কিছু বক্তব্য থাকলে এঁদের কাছে ধীর শান্তভাবে আলাপ আলোচনা করা যেতে পারে।

যাই হোক যেসকল ব্যাপার ঘটে গিয়েছে তজ্জন্য আমরা অত্যন্ত দুঃখিত। বিশেষতঃ যে অমূল্য প্রাণ একটি নিহত হয়েছে, তার ক্ষতি অপূরণীয়। আমরা তাঁর পরিবার পরিজনবর্গের প্রতি আন্তরিক সহানুভূতি ও সমবেদনা প্রকাশ করছি, এবং গভর্ণমেণ্টকে অনুরোধ করি যে তাঁর পরিবারদের জন্য আবশ্যকমত আর্থিক সাহায্যের যেন ব্যবস্থা করেন অবশ্য যদি কোন দিন তাঁরা সাহায্য চান। আর যাঁরা আহত হয়েছেন তাঁদের সম্বন্ধেও অনুরূপ ব্যবস্থা করা উচিত বলে আমি মনে করি। দ্বিতীয়তঃ এই আইনের আলোচনা এখন কিছুদিনের জন্য বন্ধ রাখতে আমি গভর্ণমেণ্টকে অনুরোধ করি। রহস্যের বিষয় এই যে বর্ত্তমানে যে আইন প্রচলিত আছে এবং যাহা মার্চ্চ মাস পর্য্যন্ত চলবে তাহা সিলেক্ট কমিটি আইনের যে সংশোধন করেছেন তার অপেক্ষা ঢের বেশী গুরুতর। মনে রাখতে হবে যে ঐ আইনের আওতায় আমরা চলছি। এই আইনের কাঠিন্য সিলেক্ট কমিটি আরও কমিয়েছেন। সুতরাং বর্ত্তমান প্রচলিত আইনে যদি ব্যক্তি স্বাধীনতা ক্ষুণ্ণ না হয় তবে ওই যে আইন সিলেক্ট কমিটি থেকে সুপারিশ হয়ে পাশ হতে যাচ্ছে, তাতে তো তা ক্ষুণ্ণ হবে না। তথাপি আমি গভর্ণমেণ্টকে অনুরোধ করি যে এই বিল সম্বন্ধে আরও বিবেচনা করা হোক। ডাঃ রাজেন্দ্র প্রসাদ, কংগ্রেসের সভাপতি, তাঁর কাছে এটা প্রেরণ করা হোক। ডাঃ ঘোষ বাংলাদেশের নিরাপত্তা রক্ষার জন্য দায়ী। সর্দ্দার প্যাটেল ভারতীয় ডোমিনিয়নের নিরাপত্তা রক্ষা করার জন্য দায়ী। পণ্ডিত জহরলাল আমাদের ভারতীয় রাষ্ট্রের প্রধান মন্ত্রী এবং বৈদেশিক সচিব। তিনি আন্তর্জাতিক পরিস্থিতি জানেন। আমি গভর্ণমেণ্টকে পুনরায় অনুরোধ করি যে তাঁদের কাছে এই বিলের কপি পাঠিয়ে দেওয়া হোক। আন্তর্জাতিক পরিস্থিতি ও ভারতীয় ডোমিনিয়নের অবস্থা বিবেচনা করে তাঁরা তাঁদের সুচিন্তিত মন্তব্য যেন পাঠিয়ে দেন।

(Here red light was shown—indicating time-limit.)

One minute, Sir, কোন কোন বন্ধু আমাদিগকে জনগণের কাছে যেতে বলেছেন। আমরা পরিষ্কার করে বলে দিচ্ছি যে আমরা তাতে ভীত নই। আমরা গভর্ণমেণ্টকে অনুরোধ করি যে আমাদিগকে সেই সুযোগ দেওয়া হোক। যে স্বাধীনতা আমরা দীর্ঘকাল সাধনা করে, তপস্যা করে পেয়েছি তাকে আমরা রক্ষা করতে চাই। এবং সমস্ত কথা আমরা জনসাধারণকে বলতে চাই।

(Here red light was again shown.)

Sri NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir,...... have 15 minutes been over.

Mr. SPEAKER: I think so. However, I will ask him to finish it quickly.

Mr. NIKUNJA BEHARI MAITY: পশ্চিমবঙ্গের জনগণকে আমরা জানি। তাঁরা যুক্তি ও ন্যায়সঙ্গত কার্য্যে অন্তরের সঙ্গে সাড়া দেবেন। তবে যে সকল লোক জোর করে ক্ষমতা হস্তগত করতে চায়, যারা ইংরেজের সঙ্গে আমাদের লড়াইয়ের সময় এই পুলিশের সাহায্যে আমাদিগকে ধরিয়ে দিয়েছিল এবং আমাদিগকে গুণ্ডা বলে জনসমাজে প্রচার করেছিল, যারা ফ্যাসিষ্ট উপায়ে বলপূর্ব্বক ক্ষমতা হস্তগত করতে চায় তারা আমাদের কোন কথাই শুনবে না। তারা গোলমাল করে—

(Here again red light was shown.)

Mr. SPEAKER: Order, order——

Mr. NIKUNJA BEHARI MAITY: তারা false issue বা মিথ্যা ধুয়া উঠিয়ে জনমতকে বিভ্রান্ত করে এই শিশু স্বাধীনতাকে বিপন্ন করতে চায় এবং তার ভিতর থেকে তারা ক্ষমতায় এসে, এই দেশকে শাসন করতে চায়; এই দেশকে বিদেশীর তাঁবেদারে পরিণত করতে চায়। আমরা সবে মাত্র বৃটিশের অধীনতা থেকে বেরিয়ে, কমিউনিষ্ট রাশিয়ার লেজুড় হতে চাই না। কিম্বা ক্ষুদ্র ক্ষুদ্র দলের পেছনে গিয়ে এই শিশু স্বাধীনতাকে বিপন্ন করতে পারি না।

Mr. SPEAKER : Your time is up.

Sri BASANTALAL MURARKA: Mananiyo Sabhapatiji! Maen kuch kahoonga, jo parastao ap ke samne aya hai maen uska birodh kerne ke liey khara huoa hun Person ki ghatana hai ke jab hum Assembly men araheу they, dekha ke pertek gate per bohat sey admi baithe hain, bohat admi kharey hain. Mujhko gate men perbesh kerne ke liey mana ker rahe hain Hum ne unsey prathana kiya -desh ke swathinata ke nam per prathana kiya—nagarik swathinata ke nam per prathana kiya, desh ke chune huwey prithinidhike nam per prathana kiya, ke hamko jane dijia. Parantu mery bat naheen suni aur hamko majboor hoker laot jana para. Us roz agar Police ka sundar babastha hota to ham assembly men akar is mahath udesh men bhag letey, parantu dusrey roz jab ham yahan aey to ham ne dekha ke Police ka sundar babastha hai. Police sundar kam karti hai. Nagarikta ki raksha kerne ke liey pertek member ko undar janey men koshesh kerti hai jab ham ney assembly men purbesh kiya to dekha ke High Court ki taraf se pather a-rahi hai aur uski barsa horahi hai. Police agar aphe adminn ko raksha kerne ke liya saman naheen karti to ham logon ki bhi raksha naheen kersakti. Ham to apne Pradhan Mantriji ko dhanabad denge ke unke sundar babastha ke karan ham log assembly ka kam kersakey. 21 November ko jab hullar huwa—ham apke sath ghari men ja rahe they. Log kistarah se hamari ghari per toot parey aur kahney lagey ke isko maro yeh minister hai—hum ney kaha ke hum minister naheen hain. Kahney lage ke yeh minister ka admi hai is ko maro, Magar kuch student jo hamko jante they naheen bachate to ham aj is assembly men khare naheen hone patey. Is liey ham apko unrodh kerte hain ke yah Fascist Gundashahi aur Nazi Gundashahi ko pras-sarai mat dejey. Desh ka yeh sundar sashan jo chal raha hai wah chal naheen sakta agar ap inko pras-sarai denge. Jen logan ne admin ke mind ko kharab kiya hai wah desh ke sattroo hain. Agar aisa hoga to yeh sashan jo chal raha hai wah ulat jaiga aur Gündashahi raj hojaiga.

Mr. NISHAPATI MAJHI: মাননীয় Speaker মহাশয়, গত দুই দিনের ঘটনা পর পর জানি। প্রথম দিন আমি এই পরিষদে আসতে পারিনি। পরিষদে প্রবেশ করতে পারবো না বলেই অদূরে দাঁড়িয়ে ছিলাম। মাননীয় Speaker মহাশয় আমাকে পথে দেখে গাড়ীতে তুলে নেন, এবং এই পরিষদে একটা গুপ্ত পথ দিয়ে প্রবেশ করতে পাই। দ্বিতীয় দিন আমি reporter মহাশয়দের

সাথে পরিষদের বাইরে দাঁড়িয়ে ছিলাম এবং gateএর কাছে ছিলাম। কয়েকবার এমন অবস্থায় পড়ি যে সেখানে দাঁড়ান অসম্ভব। আক্রমণ পরিষদের ভিতর পর্যান্ত আসে; কিন্তু সেই সময় দেখি পুলিশ কর্ম্মকর্ত্তারা সেই ইট-পাটকেলের ভিতর নির্ভীকভাবে দাঁড়িয়ে আছে। তখন সত্যই এই রকম মনের ভিতর হয়েছিল যে আজকের দিনের পুলিশের ব্যবহার কতটা ভাল। আমরা সেই জিনিসটা উপলব্ধি করেছিলাম এবং পাশ থেকে যেসব ইট-পাটকেল এসে ভিতরে পড়ছিল সেগুলি তখন দেখেছিলাম যে খুব তীব্রভাবেই ভিতরে আসতে লাগলো। ইতিমধ্যে আমাদিগকে ভিতরে প্রবেশ করতে হয়। তারপরে আমরা দেখি গুলি চলেছে এবং কয়েকজন আহত হয়েছে। পরে সংবাদ পেলাম একজন নিহত হয়েছে। আজ সেই জন্য এই প্রস্তাবের বিপক্ষে দাঁড়িয়েও এই কথা বলতে চাই যে কলকাতা নগরী আজ যেন একজনের নিহত সংবাদে এবং বহুজনের আহত সংবাদে মর্ম্মাহত হয়েছে। আজ তার পরিবারবর্গ যেরূপ দুঃখিত ও মর্ম্মাহত সেইরূপভাবে সকলেই হয়েছেন। এ বিষয়ে আজ আলোচনা করা পরিষদের প্রত্যেক সদস্যের কর্ত্তব্য বলে বোধ করি। মাননীয় স্পীকার মহাশয় সেই সুযোগ আমাদের দিয়েছেন। অতএব এই লাঠি চার্জের বিরুদ্ধে, —

Mr. SPEAKER: সময় হয়ে গিয়েছে।

Mr. NISHAPATI MAJHI: এক মিনিট, Sir, অতএব এই *lathi*-charge-এর বিরুদ্ধে, গুলি চলবার বিরুদ্ধে আমরা প্রবলভাবে প্রতিবাদ করছি। আজ বাংলাদেশ স্বাধীন। আমরা যদি পুলিশের ব্যবহারকে এবং নিজেদের ব্যবহারকে ঠিক স্বাধীনতার উপযোগী করে তুলতে না পারি, এবং আমাদের যেসমস্ত আজকে বিরোধী পক্ষ, যাদের কথা শুনলাম তাদের সাথে সত্যিকারের মিলে মিশে এই রকমভাবে যাতে আর কেউ আহত বা নিহত না হয় তার ব্যবস্থা না করতে পারি তাহলে সত্যই দুঃখের বিষয় হবে। কিন্তু আবার আমি পরিশেষে বলছি—

(Here the member having reached his time-limit resumed his seat.)

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Speaker, Sir, yesterday in reply to a question of Mr. Khuda Bukhsh I promised to make a statement about the unhappy incidents of yesterday evening resulting in the death of Shri Sisir Mandal in the prime of his youth which is a matter for universal sorrow. Mr. Khuda Bukhsh complained of insufficient protection for members and wanted sufficient protection for them, and I promised to give them armed protection, and at that time I saw glimpse of joy through his eyes, but to-day when I read the first adjournment motion at about 12 o'clock—(Mr. Md. Khuda Bukhsh: We refused police escorts.) I simply rubbed my eyes. So overnight he has become wiser (Mr. Md. Khuda Bukhsh: That is not correct.) Yesterday he wanted Government trucks, the Home Department trucks, the most accursed Home Department trucks, not one truck, two trucks.

Mr. ABUL HASHEM: On a point of order, Sir. The Hon'ble Minister is making a misstatement of facts. Is he speaking on this motion or is he giving us the promised statement?

Mr. SPEAKER: He is speaking on the motion; please don't interrupt.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Everybody sees things not merely through the eyes, but through the mind as well, and Mr. Hashim's mind is different from mine. That is why truth differs, that is why the relativity of truth comes.

As a result of yesterday's incidents, besides the death of one young man, six men suffering from bullet injuries are in Medical College and Campbell Hospitals now undergoing treatment. Eighteen men suffering from other injuries entered the Medical College, of whom 17 men were treated and discharged. Among the Police six suffered injuries, of whom two were treated and discharged and four are in a hospital for treatment suffering from serious injuries. This morning I went to see wounded persons in the Medical College Hospital. I had the privilege of talking to them. Among them Mr. S. K. Datta, Bar-at-Law, was there suffering from bullet wound

in the thigh. One of them told me that Police took to firing as a last resort, and another gentleman said, "you have been lenient in dealing with the people who were throwing stones". This is from my personal experience. I went to the Medical College Hospital to-day. So when Mr. Khuda Bukhsh says while he was entering the Assembly he heard that indiscriminate shooting was taking place, I must say that truth coming from one truthful man to another truthful man generally deteriorates. He was not present there. He only heard hearsay evidence. Those persons who had sustained bullet wounds, naturally they would be angry with me. I thought I might hear some harsh words from them, but of the four persons who were there with bullet wounds, no one uttered one single harsh word. Two of them positively said that as a last resort Police had resorted to firing, and another gentleman said, "you have been rather lenient in dealing with these people". You say that wanton *lathi* charge and indiscriminate shooting took place. Only one person was killed and of the 18 persons who went to the Medical College Hospital 17 persons were discharged at night after some first-aid treatment. To characterise this as wanton *lathi* charge and indiscriminate shooting is, I should say, far from truth (Sri Jyoti Basu: Merciful shooting!)

Then I come to Mr. Jyoti Basu He was not here in the Assembly although he is an Assembly member. He was in the High Court. I do not know whether as General Officer Commanding he was leading the campaign, of course not from here.

Sri JYOTI BASU: On a point of order, Sir. Is the Hon'ble Chief Minister entitled to make these personal remarks? I hope you will stop him making such remarks.

Mr. SPEAKER: I will request the Prime Minister not to make such remarks.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I bow to the Chair.

Sri JYOTI BASU: Sir, has he withdrawn the remark that I was leading the campaign as General Officer Commanding?

Mr. SPEAKER: He has complied with my request.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: When Mr. Jyoti Basu was giving me all sorts of adjectives, I did not utter a single word, and at that time in my mind I was thinking of the famous drama of an Austrian dramatist who in the mouth of a character in utter despair put in—

> "When I compare myself with you, you appear as white, as spotlessly white, as a lily and I am as dark as the darkest night of the hell."

I am only compelled to say this in despair. I do say that the Police had to resort to firing as a last resort. I myself saw the throwing of brickbats —showers of brickbats, and I am glad that no member of this Assembly has been killed as a result of the brickbat throwing. Some of the motor cars have been damaged. Some of my fellow members saw that showers of brickbats were being thrown by the demonstrators. I have made a statement to the press late last night on the basis of the report I received. I appeal to my countrymen, specially the students, to persuade people to refrain from resorting to violence. Any attempt to physically blockade the House and prevent the members from entering the House is a negation of all liberties. I appeal in the name of all that I hold sacred to allow democracy to function and not make room for totalitarianism in this country, which some might like to have. Mr. Hashem has quoted Mahatma Gandhi against me. So long we were dubbed in as the rubber stamp and

Gramophone records of Mahatma Gandhi. (Mr. ABUL HASHEM: Even now we think so.) And then to quote Mahatma Gandhi against me is contradictory in terms. Mr. Hashem interprets Mahatma Gandhi as he likes, and I interpret Mahatma Gandhi with the light that God has given me. I have not to borrow it from anybody. All these days Mr. Basu has been quoting Dr. Rajendra Prasad, Pandit Jawaharlal Nehru and Mahatma Gandhi. I only want that he will come to this side, and not merely that, he will be more loyal than the King himself! So I would say, "let us stop these quotations altogether in this Assembly". Everybody will interpret what Rajendra Prasad had said or what Pandit Jawaharlal Nehru has said according to the light that God has given him. Therefore it is no good quoting these things in this Assembly. (Sri Jyoti Basu: Is it very inconvenient for you?) Very inconvenient to Mr. Jyoti Basu it may be, but it is not inconvenient to me. If I may tell you. I have had discussion with Dr. Rajendra Prasad and almost every day I hold discussion with him, and I have been with him almost everywhere in the political field during the last 25 years. So it may be inconvenient to Mr. Jyoti Basu but never inconvenient to me.

I appeal last of all in the name of democracy that we hold sacred to allow democracy to function and I say that there has not been wanton *lathi* charge and indiscriminate shooting. I am very sorry that one person has been killed and four others have been wounded. I am sincerely sorry that none of them was stone-throwers, but innocent people. Even the one man wounded by *lathi* charge who is in the hospital, I asked him "why did you go there?" He said, "I went to see the sight". I said again, "why did you go there to see the sight?" He said, "When such things are going on, should I not see the sight?" So it was a sight-seeing. All the people in the Medical College Hospital are innocent people. They were not taking part in these things. So I am sincerely sorry that they were the people who suffered, but those people who did the mischievous things were careful not to suffer. (Sri Jyoti Basu: what about Sisir Mondal?) I have said that he was also an innocent man It has been reported to me that a good deal of mischievous rumours have been spread to excite the passion of the public. May I appeal to the public not to believe in these rumours. I do appeal to all sections of the people not to exaggerate things but to try to see that democracy can function in this country through its legislature. And to preserve the dignity of the legislature is the common task of us all.

With these words I oppose the adjournment motion.

Mr. SPEAKER: As two hours have elapsed, no votes can be taken and the adjournment motion is therefore talked out.

GOVERNMENT BILLS.

The Calcutta Municipal (Amendment) Bill, 1947.

Sri NIHARENDU DUTT-MAZUMDAR: Sir before the Hon'ble Minister replies to Mr. Siddiqi's speech on the third reading of the Bill, I wish to have it recorded that I am fundamentally opposed to retaining in any shape or form any reservation or communal electorate or special constituencies based on religion or community. As a labour representative I also notice that the various Chambers of Commerce and Trade have been given six seats as against only two seats given to labour in the city of Calcutta, labour numbering enormously more than the handful of traders and members of the various Chambers of Commerce. However, on the assurance and in the expectation that these provisions will be done away with when the comprehensive Bill is introduced before this House, and we will find provisions based on completely secular and democratic principles where communal electorates will be altogether a thing of the past, I do

not want to press this point now. I also notice, Sir, that contrary to the fundamental object of this Bill, namely, to abolish separate electorate in the Trade and Chamber of Commerce constituencies, separate electorate has been recognised by the adoption of a communal Chamber of Commerce based on religious communalism. I mention, for instanace, the Muslim Chamber of Commerce. I do not see any reason why communal electorate should have been introduced in this Bill (Mr. Abul Hashem: Is not the Marwari Chamber of Commerce a communal institution?) The Marwari Chamber of Commerce is a body to which I have also objected but to the Marwari Chamber of Commerce many Muslims also belong. It is not composed only of a religious community. I should suggest therefore that in the general constituencies, on the basis of religious constituencies there might have been at best reservation. At any rate, however, I hope that when the Bill comes as a comprehensive Bill all these special constituencies will disappear and we shall have a Corporation based on absolutely secular, democratic, non-communal electorates so that no special or communal electorates may be necessary. Subject to this I have lent my support to this Bill, and as a Labour man I feel that some injustice has been done. Although the numbers do not matter exactly; if traders and merchants have been given six seats, there is no reason for granting labour only two. Privileges should go on the basis of electorates and I hope the Hon'ble Minister will see to it that when the comprehensive Bill comes up before the House, he will present to us a measure completely free from any of the remnants of communal virus and that all such things as have been incorporated in this Bill are purely a temporary concession.

The motion of the Hon'ble Sri Annada Prosad Choudhury that the Calcutta Municipal (Amendment) Bill, 1947, as settled in the Assembly, be passed, was then put and agreed to.

The West Bengal Criminal Amendment Bill, 1947.

Mr. MD. KHUDA BUKHSH: Sir, it is already half past seven, and many members feel that they have done a good day's job after coming to this Assembly. In that case if you insist that we should stay on after this, probably you will have our physical presence and not our mental presence. I think it will neither be conducive to the debate.

Sri JYOTI BASU: Sir, I endorse this point of view.

Mr. SPEAKER: The difficulty is that we are now adjourning till some day in January; and this Bill must be passed into law, for otherwise by the 1st of January the Ordinance expires. Moreover it will not take more than eight or ten minutes. So I would request the honourable members to have the patience to stay till then.

The Hon'ble Sri KALIPADA MOOKERJEE: Sir, I beg to move that the West Bengal Criminal Law Amendment Bill, 1947, as reported by the Select Committee, be taken into consideration.

The motion was put and agreed to.

Clause 1.

The question that clause 1 do form part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do form part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do form part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do form part of the Bill was then put and agreed to.

Clause 5

The question that clause 5 do form part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do form part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do form part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do form part of the Bill was then put and agreed to

Clause 9.

The question that clause 9 do form part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 do form part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do form part of the Bill was then put and agreed to

Clause 11A.

The question that clause 11A do form part of the Bill was put and agreed to.

Clause 12.

The question that clause 12 do form part of the Bill was then put and agreed to.

Schedule.

The question that the Schedule do form part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do form part of the Bill was then put and agreed to.

The Hon'ble Sri KALIPADA MOOKERJEE: Sir, I beg to move that the West Bengal Criminal Law Amendment Bill, 1947, as settled in the Assembly be passed.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned at 7-35 p.m. till 3-45 p.m. on Monday, the 5th January 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 5th January, 1948, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 9 Hon'ble Ministers and 59 members.

Point of Privilege.

Sri JYOTI BASU: On a point of privilege, Mr. Speaker, Sir, before you proceed with the business of the House. To-day also when we came we saw—and this seems to have become the usual practice in this Province—that about 300 or 400 armed policemen were either on guard at the gates or they were inside the compound. I drew your attention to this fact times without number, and I do not see why we should suffer this humiliation of having to walk through these armed minions of the Bengal Government. Will you please explain to us whether it was with your permission that they were there or the Bengal Government sent them here to terrorise the population of Bengal?

Mr. SPEAKER: In view of the past experience as to what had happened in this Assembly, it was obvious that we should have the necessary arrangements, so that similar incidents might not recur.

Sri JYOTI BASU: What is the past experience, Sir? People coming inside and beating up members? Is that the past experience?

Mr. SPEAKER: Past experience is known to everybody.

Sri JYOTI BASU: What is it we would like to know. I do not know anything about it.

Mr. SPEAKER: I think everybody knows what was the past experience. I do not think it is necessary for me to say that.

STARRED QUESTIONS

(to which oral answers were given)

Raising of Volunteer Corps.

***10. Sri SHYAMAPADA BHATTACHARYYA:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether Government intend to raise any volunteer corps in the Province; and

(b) whether Government have in contemplation any scheme for helping any volunteer organisations of similar nature which are in existence now?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Dr. P. C. Ghosh): (a) Yes.

(b) No.

Sri SHYAMAPADA BHATTACHARYYA: With reference to answer (*a*), I want to know the time when it will be given effect to?

The Hon'ble Dr. P. C. GHOSH: It is being given effect to; it is in the process.

Sri SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he has any scheme about it?

The Hon'ble Dr. P. C. GHOSH: Yes; I have a scheme.

Sri SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to take the House into confidence about this scheme?

The Hon'ble Dr. P. C. GHOSH: Not at this stage.

Sri JYOTI BASU: With reference to answer (*b*), will the Honble Minister be pleased to state whether he has any intention of winding up the Congress Non-Violent Volunteer Corps which has been formed under the ægis of the Congress Organisation?

The Hon'ble Dr. P. C. GHOSH: You better ask the President of the Congress.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state, as an important member of the Congress and as a Minister of the Congress Government in this Province, whether he intends to wind up the Non-Violent Congress Volunteer Organisation?

The Hon'ble Dr. P. C. GHOSH: I am here as the Leader of the House and as the Member in charge of this Department. I am not responsible for what somebody else might do. Even the name is not given. So I do not know anything about it I cannot answer that question.

Shaik MUHAMMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if members of all communities will be recruited to this volunteer corps?

The Hon'ble Dr. P. C. GHOSH: Yes, if they are suitable.

Sri JYOTI BASU: With regard to answer (*a*), once more will the Hon'ble Minister be pleased to state whether he has a scheme whereby all volunteer organisations belonging to different parties will be wound up in this Province?

The Hon'ble Dr. P. C. GHOSH: That I do not know at this stage.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state whether as Home Minister he knows anything at all about winding up of the volunteer organisations?

The Hon'ble Dr. P. C. GHOSH: If you are to wind up your organisation, how am I to know that unless you inform me?

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state whether he contemplates making illegal the volunteer organisations existing in this country?

The Hon'ble Dr. P. C. GHOSH: Not at the present moment.

Mr. MD. KHUDA BUKHSH: With reference to the answer given by the Hon'ble Minister that he would be prepared to recruit members from all communities to the volunteer organisation provided they are suitable would he please give test of suitability?

The Hon'ble Dr. P. C. GHOSH: Just ordinary suitability of volunteers.

Sri JYOTI BASU: They must be non-violent!

The Hon'ble Sri BHUPATI MAZUMDAR: In dealing with the communists!

Revision of Pay Scales.

***11. Mr. MD. KHUDA BUKHSH:** (*a*) With reference to the reply given to the supplementary question (in which the Hon'ble Minister asked for notice) on the starred question No. 9 on 10th December, 1947, will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the Table a copy of the report containing recommendations with regard to standardisation, rationalisation and simplification of pay of Government servants?

(*b*) If the answer to (*a*) is in the negative, does the Hon'ble Minister propose to give a brief summary of the said recommendations?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Sri Annada Prasad Chowdhury): (*a*) and (*b*) The question in regard to which notice was asked for was couched in the following terms:—

"Will the Hon'ble Minister be pleased to state what are the recommendations of the Enquiry Committee."

I have ascertained that there was no enquiry committee as assumed in the question but there was an enquiry by a Special Officer appointed for the purpose. This officer did not submit any formal report but drew up certain tentative suggestions relating to adjustments in pay scales necessitated by the higher cost of living. No useful purpose will be served by laying these tentative suggestions before the House because this Government are of opinion that with a view to secure uniformity of practice with the Indian Union, the revision, standardisation and rationalisation of pay and pay scales in this Province should be based as far as practicable on the recommendations of the Central Pay Commission and action on these lines is being taken accordingly.

Mr. MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state whether action is being taken expeditiously?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: It is.

Sri JYOTI BASU: Is the Hon'ble Minister aware that the India Government has about 8 months back published its pay commission award and it is being given effect to in case of different Government servants in the India Government Departments?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: I am aware that the Pay Commission report was published, but I think that the views of various Governments are not in conformity with the Pay Commission's report.

Mr. MD. KHUDA BUKHSH: With reference to the reply given by the Hon'ble Minister that action is being taken expeditiously, will he be pleased to state when Government propose to give effect to the report?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: From the 1st of April next.

Mr. JYOTI BASU: Will the Hon'ble Minister be pleased to state whether he intends to keep uniformity in the scales of pay of Bengal Government servants as related to the India Government servants?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: As I have said, as far as practicable. I have said that in my reply.

Sri JYOTI BASU: Has the enquiry been completed? If not, when it will be completed?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: Which enquiry? I do not know.

Sri JYOTI BASU: Enquiry about what the scales are going to be for Bengal Government servants.

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: There is no question of any enquiry being made. It is to be adjusted with the Pay Commission's report.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state whether this adjustment has been made? If not, how long it will take?

The Hon'ble Shri ANNADA PRASAD CHOWDHURY: It is being worked out.

Mr. JYOTI BASU: Will the Hon'ble Minister be pleased to state exactly as to how long this will take—one month, two months, three months?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: As long as it may be necessary to give effect to it on the 1st of April.

Special travelling allowance.

***12. Mr. MD. KHUDA BUKHSH:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact that Government have sanctioned special travelling allowance from the year 1944 to those Government servants whose pay is Rs.265 or above, besides their dearness allowance?

(*b*) If so, will the Hon'ble Minister be pleased to state what are the reasons thereof?

(*c*) Do the Government intend to extend the benefit of the said travelling allowance to the lower paid Government servants also?

(*d*) If not, why not?

The Hon'ble Sri ANNADA PRASAD CHOWDHURY: (*a*) and (*b*) By an order No. 1267-F., dated 14th June, 1944, the Government of Undivided Bengal authorised all its employees who had been in service for at least one year and who did not draw dearness allowance under the rules then in force, to draw, once a year, both when proceeding on and returning from leave, travelling allowance at certain prescribed rate. This had the effect of limiting the concession to employees on pay of Rs.265 or above in Calcutta and or Rs.163 or above in the mufassil. The reason for the concession, as far as can be gathered from the papers on record, seems to have been desirability of encouraging hard worked officers to obtain periodical breaks from strenuous work during the war and its aftermath. The concession has been abolished by this Government with effect from the 1st November, 1947.

(*c*) and (*d*) Do not arise.

Adjournment Motion.

Sri JYOTI BASU: Mr. Speaker, Sir, I had given notice of an adjournment motion on the inaction of the police when a procession in Shambazar was attacked with brickbats, *lathis* and revolvers. I find that consent has been refused. But I do not understand how you could do that on an important fact like this when the Government and its forces of law and order do not allow processionists to go about freely demonstrating against the black Bill.

Mr. SPEAKER: Mr. Basu, you cannot refer to that matter here, for whenever consent is refused there cannot be any mention of that matter in the House. This relates to a matter of day-to-day administration—the *goondas* doing something and the police activity or inactivity—and I do not think that it is such a matter as can be the subject matter of an adjournment motion. I should remind you, Mr. Basu, once again that I shall not permit matters to be discussed with regard to an adjournment motion in respect of which consent has been refused.

Sri JYOTI BASU: So this Fascist method of the Bengal Government will continue!

Mr. SPEAKER: Order, order. There is no Fascist method of the Bengal Government. If there is any fascism, there is fascism of the Speaker.

Sri JYOTI BASU: Sir, the fascist method of the Bengal Government in not asking——

Mr. SPEAKER: Government has nothing to do with it. It is my discretion under which I have refused consent. There is no question of asking any reason as to why I have done so.

Sri JYOTI BASU: Sir, I am sorry, you did not understand me at all. I said that it was the police——

Mr. SPEAKER: Order, order. That matter is not a matter for discussion in this House at this stage.

Sri JYOTI BASU: Sir, you misunderstood me. I was referring to the inactivity of the police when I said that——

Mr. SPEAKER: Order, order. Mr. Basu, you are out of order and you must resume your seat.

GOVERNMENT BILL

The West Bengal Special Powers Bill, 1947.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I beg to move that the West Bengal Special Powers Bill, 1947, as reported by the Select Committee, be taken into consideration.

Sri JYOTI BASU: Mr. Speaker, Sir, today I represent not only my party but I once again raise my voice of protest against this black Bill on behalf of all the left parties—the entire democratic peoples including Congressmen—who have outside this Chamber raised their voice of protest against this Bill. I know that those democratic Congressmen will not be allowed to speak in this House even if they condemn this Bill, because Sardar Vallavbhai Patel was brought to Bengal specifically for that purpose to gag that democratic opinion of the Congressmen. I protest against this Bill even as it has been reported by the Select Committee. In fact it has now become worse than what it was in some ways. It has not meant any substantial change, for instance the rule-making power has been added which was not there in the original Bill. This is what is called a new despotism. I need not dilate on the point that it is despotic and anti-democratic and against the finest traditions of the Congress. (A VOICE: মুখেন মুখে মার মার।) It replaces the rule of law by Fascist barbarism. Dr. Ghosh and his Ministers get annoyed time after time if I remind them of the past traditions of the Congress. But it is a fact that from the days of Jallianwala Bagh to those of Governor Burrows of recent memory the

Indian people were called upon to fight lawless laws and tyrannical edicts of the British Government. We were told that these were contrary to democracy and that when Congress would come to power their first act would be to repudiate such dastardly acts. However inconvenient it is to the Ministers if I quote them from their Congress manifesto about civil liberty, it is indeed a humiliating spectacle that Congress Ministers in every Province are vying with each other in following the British rulers, paying them the greatest respect by accepting *in toto* their savage laws. These in the case of ordinary men are called dishonesty and hypocrisy. But of course in the case of the great ones of the earth like Dr. Ghosh and his friends this *volte face*, this repudiation—entire repudiation—of the past will be explained by lofty religious principles.

Dr. Ghosh has been quoting from the "Fundamental Rights" as adopted by the Constituent Assembly but wrongly, I am afraid, in defence of his savage laws. But authoritarian as our new Constitution of India is, let me quote one or two things from it and demonstrate how it is a fabrication to say that law has not been violated. For instance, in that particular document it holds that "there shall be liberty for the subjects to exercise their right of speech, free expression of opinion, and free assembly, etc. No person should be deprived of his life or liberty without due process of law". Further, "the right to move the Supreme Court by appropriate means—by proceedings—for enforcement of any of the rights is guaranteed by this Charter". Further, "the right to enforce those remedies such as *habeas corpus*, *mandamus*, etc., shall not be suspended"—I entreat Dr. Ghosh to listen—"except in cases of rebellion or invasion or other grave emergencies". Where and what—I would ask Dr. Ghosh—is that grave emergency? Whose is the declaration to that effect? Because as far as I can read the Charter—the "Fundamental Rights"—unless a grave emergency is declared, it is impossible for any of the Provincial Governments or the Central Government to pass any such law which restricts the liberty of their subjects. The Bengal Ministry has already used the Special Powers Ordinance within three months against political leaders and parties like the R.C.P.I. and against individuals like Debnath Das, Satya Gupta, Zuberi, Dwaraka Nath Mitra, etc., who have been detained under the Special Powers Ordinance of Mr. Burrows contrary to what Dr. Ghosh said the other day that he would not use these powers against any political party or any political individual. It has been used against all classes, in spite of Dr. Ghosh's assurance, to suppress the legitimate activities of the working class. It is under this Ordinance that the Brooke Bond workers and the Sree Durga Cotton Mill workers were first arrested and then their houses were searched without warrant, and their women and children maltreated and dishonoured. But contrary to what Dr. Ghosh told us that it would be used against *goondas*, over a thousand *goondas* have been released—*goondas* who had been arrested under the Special Powers Ordinance. Illegal acquisition of arms cannot be prevented by laws because if this Special Powers Bill is passed into law it would not mean that revolvers would grow wings and would fly to Dr. Ghosh's bed room at Theatre Road. It is the job of the police to find out these illegal arms. I think Dr. Ghosh told us that they have got a list of the people who possess arms—this was said during the communal riots. Then why don't they arrest them? Why don't the police do their job? The citizens of Bengal are, on the other hand, asked to give up their liberties and these are indeed in jeopardy. The *goondas* also can be apprehended now by the ordinary process of law under the Goonda Act. If any arms are found with anybody, he can be produced in court, but Dr. Ghosh seems to have lost faith in the ordinary courts of justice and, therefore, even if he does not find any arms with anybody, he is going to detain them under this lawless law. Therefore, by putting forward these reasons the Ministers are merely trying to hoodwink the people and are deliberately lying. The people of Bengal have unequivocally shown their opposition to the Bill. Many Congressmen in Burdwan, Midnapore and Birbhum——

Sri BIMAL CHANDRA SINHA: On a point of order, Sir. May I have your order as to whether the use of the words "deliberately lying" is parliamentary or not regarding an honourable member of the House?

Mr. SPEAKER: No, I think it should not be used with regard to any member of the House. It should be withdrawn.

Sri JYOTI BASU: In view of what you have said, Mr. Speaker, I withdraw the word "lie" and substitute the word "untruth".

Dr. Ghosh held two meetings in Calcutta which is the metropolis—the political centre of West Bengal—but one was in Park Circus amongst the Muslims and, I think, Mr J. C. Gupta took him there, and another in Matiaburuz. He told the Muslims there that it was to save them that this Bill was being passed because the Hindus might fly at their throats and we were also told that he had been greeted by the Muslim people who were there. But when he goes to the Hindus he says "I need special powers because Pakistan and the Muslims may attack West Bengal". Wonderful indeed this non-violent Congressman's explanation of things! But after Sardar Patel's speech the Muslims must have realised the truth. We have always held and we hold today also that this Bill is being passed against the workers, *kisans* and the people's struggle for life and liberty.

All glory to Bengal which did not allow this black Bill to go through without a protest. Pandit Jawarharlal Nehru said that in U. P. and Bombay and some other Provinces of India such black Bills have been passed and, therefore, Dr. Ghosh would pass it here, but we may tell all the Congress leaders that Bengal is made of different stuff. Bengal does not allow such black Bills to be passed without a demonstration of its just anger and opposition. Therefore, we have found that Bengal has really won the struggle. I know that by mere votes this Bill may be passed by this Assembly into an Act, but Bengal has passed the supreme test because not only the armed police have been brought inside the Assembly and outside, not only have their revolvers and guns been used against the people, not only have tear-gas bombs been let loose against the people, but we have found that Pandit Jawaharlal Nehru and Sardar Patel have been brought to Bengal because the Ministers here could not pass this Bill on its merits. That is the moral victory of the people of Bengal who have resisted this Bill tooth and nail—this Bill against which the Congress has fought for the last forty years. Therefore, today Bengal, the people of Bengal, the ordinary humanity of Bengal, carry forward the traditions of the Congress also—if I may remind the Hon'ble Ministers. Therefore, we find that fighting, bleeding, thinking Bengal has once again given a lead to India and we invite other Provinces like Bombay and U. P. to follow suit. Even today reports which have poured in so far show that 92,000 workers are on strike in Calcutta, Howrah and the 24-Parganas. In Burdwan there is a complete general strike where even the Congress leaders have associated themselves with the protest against this black Bill—this in spite of the order of non-violent Congress leaders to the people to resist the strike by all means, and their *goondas* have acted accordingly. Revolvers, *lathis*, daggers have been used against peaceful processions. Soda water bottles have not been spared either and, in fact, the Congress volunteers were not alone by themselves, but we have found that the police gave them all aid. They have burnt a few of our Union offices. They have beaten up a few of the Union workers and the police have acted by arresting the people who were beaten up. The police have acted—we have seen with our own eyes—by giving *lathis* to the volunteers who were trying to beat up the Union workers. We did not ask the workers to picket in front of the mill gates in view specially of Sardar Patel's speech the other day because that speech, if I can judge it rightly, gives a clear call for communal warfare in this country and that truly falls under the Special Powers Ordinance because the peace and stability of the Province have been threatened thereby. It is a clarion call to the Hindus; Dr. Syamaprasad Mookerjee's propaganda has been done by Sardar Patel,

Deputy Premier of our fair land. This was not all because we found that some Congressmen themselves were standing all over the place directing their non-violent volunteers to use *lathis* and violence on the peaceful processions.

I am, of course, glad that after this protest against this repressive law, for once the eyes of the people are being opened to what really the Congress leaders are going to do in our country because sometimes it takes very long —history has shown it takes very long—for the people to understand what their leaders are going to do with them. But there are times which move very fast; acts which are perpetrated by Governments which open the eyes of the people and show the leaders in their true colours. This is what has happened today in Calcutta and around Calcutta and the working classes and people in general have understood what their leaders are going to do. I know in some places the strike has been successfully smashed by the Congress with the help of their armed police, but the eyes of the people have been opened. I may remind Dr Ghosh that he need not forget the famous saying of Lincoln "You cannot fool all people for all time. You can fool some people for some time".

Mr. Speaker, therefore, I say that one lesson the people are surely going to draw from this, and that is that as long as this repressive policy is going to be pursued by the present Ministry, nothing can happen for the benefit of the people. Now, Sir, we know it has been made very clear to us why this Bill is being passed into law in spite of the universal indignation against this Bill—because the Congress leaders today do not want to do any good to the people. We know they say "we are an infant State. We need some time before we can do anything for the people" But they did not require any time to pass Acts by which strikes are going to be made illegal. They did not require any time to pass laws whereby the Excess Profits Taxes have been abolished. They did not and do not require any time to announce in the press that they are going to give compensation to the zemindars if ever they abolish the zemindary system. Sir, for all these things they did not require any time But they require time when laws are to be passed against black-marketers. But they do not require any time to arrest workers and terrorise their women and children under a Special Ordinance, but for black-marketers, some of whom are friends of the Ministers, they have so much regard that they do not dare to keep them under arrest without the process of law. The other day some tamarind seeds were found together with some foodstuffs, but that gentleman, that black-marketer, cannot be proceeded against because there was not sufficient proof. The tamarind seeds were found by the side of the foodstuffs; they were not found inside the foodstuffs. Therefore the law does not permit them to take these black-marketers to the gallows or to arrest them without any warrant. But as far as the workers are concerned, no proof is required. Workers are taken to the jail and kept in detention. They search the houses of workers without any warrant. No proofs are necessary, and we are told that it is for the safety of the State. Mr. Speaker, therefore, it is all nonsense and humbuggism for these gentlemen sitting opposite to say that because they want to benefit the people therefore they are passing this Bill against the provisions of which we have fought for the last 40 years. I know that people are not naive enough today to believe in such nonsense. I know they have seen through the non-violent talks of these gentlemen. They pretend they are non-violent. They are behaving like the greatest fascists that I have ever seen. Mr. Speaker, I know for many years they have been practising non-violence as far as the rich are concerned, as far as the factory owners are concerned, as far as the Britishers are concerned, but when they come to deal with their own men outside the Assembly we have seen that without the slightest warning their police fire on them. These are the gentlemen who talk about non-violence. Let them say that they are no longer non-violent. Let them say that plainly, instead of putting on a non-violent air and trying to hoodwink the people saying "We are a saintly people. We are doing all for your good though we may drive in huge

cars". Why don't they plainly say "We are autocrats. Because you have elected us you must stand by what we do?" Sardar Patel we can understand, because he said that violence is going to be met by violence. We understand that sort of language, that plain and simple language, but these hypocritical talks of non-violence the workers do not understand. I know after what has happened today people will have no other alternative but to realise that the Congress leaders will not stand by them. I know that democratic Congressmen are also understanding what these gentlemen sitting on their thrones are trying to do by stifling public opposition. Therefore, Mr. Speaker, even at this stage I say that the Bill ought to be thrown out. I know I am talking to deaf people impervious to all sense of decency, men who have lost all faith in the people; and therefore they have gained a new faith in the tear gas, in the rifle, in the police because policemen have become patriots. They are wearing Gandhi caps; they are hoisting the tri-colour flag and we have seen that policemen have been helping some of these Congress volunteers to break strikes. Such a popular leader like Dr. Ghosh could not address a single meeting in any of the parks of Calcutta. He had to go with Mr. J. C. Gupta to Park Circus to address the poor Muhammadans and tell them to support the Bill. (Mr. J. C. GUPTA: What is the grievance?) People are saying that there is a game of some Congress leaders against Dr. Ghosh. Anyhow people have understood all that it means. If he is so popular as he makes out he should address meetings in the other parks of Calcutta. Mr. Speaker, I know that today by their votes they may try to pass this Bill, and Sardar Patel has given them his blessings, but I am sure the people of Bengal will not tolerate it and will see to it that democratic opinion shall prevail in this country and fascist terror will cease to exist.

Mr. SPEAKER: Amendments Nos. 1 to 3 are out of order. Then comes Mr. Rahman's amendment No. 4.

Mr. A. F. M. ABDUR RAHMAN: Sir, I beg to move that the West Bengal Special Powers Bill, 1947, as reported by the Select Committee be recommitted to the same Select Committee with instructions to submit their report by the 15th January, 1948.

Mr. MD. KHUDA BUKHSH: Sir, this Bill was referred to a Select Committee which has suggested certain amendments and modifications, and it has certainly emerged out of the Select Committee shorn of some of its ugly, obnoxious and unsavoury features.

The most important concession perhaps that the Select Committee was able to make was dropping of certain conditions imposed on the press, but, Sir, leaders of public opinion both inside and outside this House still maintain that the Bill still remains substantially what it was. Some of them even go so far as to say that it has come out of the Select Committee worse in many respects; and by way of example they mention the introduction by the Select Committee of the rule-making power. Sir, I was in the Select Committee, and it is our honest conviction that the particular clause has become vague and lends itself to be construed in a manner that was not desired by the Select Committee. Sir, in the House members are guided by party whips but not so, Sir, in a Select Committee. There they open out their hearts and they take part in the discussions with an open mind and are more ready to hear other men's views than it is possible for them to do in this House. From the number of amendments—and I find as many as 101 amendments have been tabled on this Bill—it would appear that the Bill is still controversial in nature. In fact, Sir, it is obvious that in many particulars it is controversial. Sir, we shall have to view this matter dispassionately and not consider it as a party question. If we proceed to consider it, Sir, as a party question, then it is obvious that this side of the House will never be able to contribute its mite in the improvement of the Bill in collaboration with the Government party which has such an overwhelming majority that no response will come from there. That will be

only taking advantage of the depleted strength of the Opposition in this House, but if we are really serious about the Bill, we must be allowed to make suggestions and those suggestions should be dealt with on their merits and not as party questions. It is said that similar Acts have been passed in other Provinces in India and therefore it ought not to be objected to in Bengal. Sir, is this argument sound? The people of Bengal have shown their determination to get together and maintain peace so as to give the Government a chance to put through their constructive programme. In other parts of India there is communal tension which gives rise to unforeseen cataclysms and retrogression, but in this part of India, in West Bengal, there is no such thing. In order therefore to see whether the sweeping provisions are justified or not, we must have to appraise whether independence has so upset the morale of the people of Bengal as to encourage licensing them. But there are few signs of this as far as we can see, though the Prime Minister may have more facts in his possession. It is absolutely for this that we should like to examine, re-examine and scrutinise the Bill in the atmosphere of open-hearted sympathy in the Select Committee and provide effective safeguards against any possible abuse of the powers by overzealous officers. This is very important, Sir Within this short time several instances of these powers having been used against Muslims have occurred in my district of Murshidabad. Muslim leaders were detained there under the Ordinance but on representations to the Hon'ble the Prime Minister most of them have been released. That shows that their detention was ordered on such frivolous grounds as could not stand up to the scrutiny of the Hon'ble the Prime Minister. Sir, this is not the time nor the occasion for dwelling at length on those unfortunate occurrences. If Government do not lay down a policy of justice and equity and make discrimination against any community under preconceived bias or suspicion, if Government do not take to task the overzealous officers and deal adequately with them, we genuinely apprehend that these powers will be utilised against innocent and law-abiding Muslims of West Bengal. We fear Muslims will be arrested on mere suspicion of officers whenever there is an occasion of tension between the Indian Union and Pakistan. We would therefore wish the Bill to be re-examined once again in the light of the suggestions made in the numerous public meetings and in the light of recent happenings and would therefore request the Hon'ble the Prime Minister through you, Sir, to agree to recommittal.

Sri JYOTI BASU: Mr. Speaker, Sir, as it is evident that this Bill is now going to be taken up and that the Ministers will try to pass it into law, I would entreat them through you, Sir, at least as it has been recommended here, that it be referred for public opinion once again because public opinion has really not been elicited——

Mr. SPEAKER: Mr. Basu, you are out of order in referring it back to eliciting public opinion. The present amendment is for recommittal to the Select Committee.

Sri JYOTI BASU: I mean its recommittal to the Select Committee even when I say that it be referred to public opinion for if it is referred back to the Select Committee, it would certainly mean that the public would want the Ministers to come to them and address them in the proper manner so that in the mean time when the Select Committee sits down and does its work, the public will also have a chance to go through this Bill with the Ministers and other members of the Government party. If that is done, the Ministers will be able to find out public opinion about the Bill in spite of the fact that lakhs of people came to see Pandit Jawaharlal Nehru and Sardar Patel. Believe me, Sir, when I say that such meetings do not go to support the black Bill that is now before us today. One of the members of this House who has spoken before me just now has become doubtful about the purposes of this Bill. By his sheer experience he has become aware of the fact that this Bill is not what it purports to be. Therefore, there

would be no harm if, whilst it is referred back to the Select Committee for reconsideration—especially with regard to the rule-making power which is a new kind of despotism brought into the Bill—the public are in the mean time given a chance to express their opinion. And then I am sure the Ministry would only be doing the right thing. Of course there is nothing to prevent them from getting this Bill passed into an Act in spite of all that we may say and do here, but I would entreat them to think once again as to whether it is advisable at this stage to proceed with this Bill. They always plead that this is an infant State, but people have rather become afraid after having had experience of what this infant can do in the way of violence and such other repressive acts. Sir, till the infant becomes a little older—say, by fifteen days or one month—while the infant learns how to walk, the public may be taken into confidence and even the voice of hundreds of Congressmen might also be heard because even the Bengal Provincial Congress Committee's permission was not sought before the Bill was brought in this House——(SJ. NIHARENDU DUTT-MAZUMDAR: Are you briefed by the B.P.C.C.?) I know the difficulties of some of the Congressmen who are here who might have to pass the Bill because of the edict of Sardar Patel.

Now, Sir, even if the Ministers go to the public with this Bill, there would not be any harm done at all. On the other hand if they do not listen to what this amendment purports to do, then it would only mean that today the mask under which the Congress leaders or the Congress Ministers are hiding their faces would have fallen and people would get a glimpse at the real face of the Ministers who are ruling Bengal today. They even plead that they are really democratic. As people have voted for them therefore for five years they have to endure them for the people's job is to merely vote once in five years and after that they must withstand all sorts of repression and all sorts of fascist barbarism. In this connection, however, I can refer back Dr. Ghosh to the Congress election manifesto But I do not know why the Congress Ministers are treating that manifesto as a scrap of paper. It was on that manifesto that Congressmen were elected to the Assembly, but now within three months they are violating it. Even when this State of ours has not reached its boyhood, they are violating that and they are carrying on measures against the working class, against the *kisans*, against the people in general, telling the Civil Supply clerks, for instance, that they will have to be retrenched and nothing can be done. "Ours is an infant State and therefore what can we do for you?" "You have to wait a little," they say. Your thirty thousand people we have to starve with their women and children You have to wait till we get some American loan, or till the British give us back some of ours money which are in their banks. But which they dare not ask because they are having British advisers in their army and for other reasons. Therefore the people have to wait. We are told they have to wait for three years because nothing can be done now. Sardar Patel made it very clear. Therefore until our State grows three years old we have not only to stand those honourable gentlemen sitting opposite but we have to endure the measures which they are perpetrating against the common people of Bengal. Sir, I would urge upon the Ministers once again to listen to the voice of reason, to listen to the cry of the people of Bengal against this Bill, and once again I would also appeal to the members of the Select Committee since one of them feels that it should be referred back to them. I read that it should be referred back to the members of the Select Committee which took very expert advice before it brought forward this Bill. It called the D. C., Detective Department; they called two I.C.S. officers to advise them as to how to maintain law and order in Bengal. It tried to find out the lacuna in the ordinary process of law whereby they needed this fascist law, or this lawless law as we ordinarily call it, in order to gag the Press, to gag public meetings, to gag public expression of opinion. But in spite of that expert opinion, I think the best experts are our people, the people who have elected the Ministers to power, the people who have sacrificed, who have been inside

the British jails so many years——(The Hon'ble Sri BHUPATI MAZUMDAR: They are here.) I know they are there, but they have become turncoats somehow or other within these three months. If the infant is such I do not know what is going to happen when it is three years old. This is not the first time in the history that this has happened. This happened after the French Revolution. People who had talked of Liberty and Fraternity and Equality very soon turned a complete somersault. Therefore the Congress Ministers representing moneyed interest of the country have done nothing more, nothing less, but even then there is some point in the reconsideration in this Bill.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: আবদুর রহমান সাহেব যে সংশোধনী প্রস্তাব উপস্থিত করেছেন আমি তার বিরোধিতা করছি। এর বেশী বলে আমি আপনাদের সময় নিতে চাই না। এই সংশোধনী প্রস্তাব আপনারা অগ্রাহ্য করুন এই আমি আপনাদের কাছে বলছি।

The motion of Mr. A. F. M. Abdur Rahman that the West Bengal Special Powers Bill, 1947, as reported by the Select Committee, be recommitted to the same Select Committee with instructions to submit their report by the 15th January, 1948, was then put and a division taken with the following result:—

AYES—13.

Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Mohammad Sharif Khan, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Idris, Mr.
Muhammad Qumruddin, Mr.
Musharruff Hossain, Nawab, Khan Bahadur
Zaman, Mr. A. M. A.

NOES—50.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerjee, Shri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, The Hon'ble Shri Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, The Hon'ble Shri Annada Prosad.
Das, Miss Bina.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, The Hon'ble Shri Kalipada.
Murarka, Mr. Basantlal.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Platel, Mr. R. E.
Poddar, Mr. Anandilal.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.
Wilks, Mr. S. C. D.

The Ayes being 13 and the Noes 50, the motion was lost.

The motion of the Hon'ble Dr. Prafulla Chandra Ghosh that the West Bengal Special Powers Bill, 1947, as reported by the Select Committee, be taken into consideration, was then put and a division taken with the following result:—

AYES—48.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, The Hon'ble Shri Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, The Hon'ble Shri Annada Prosad.
Das, Miss Bina.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, The Hon'ble Shri Kalipada.
Murarka, Mr. Basantlal.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Platel, Mr. R. E.
Poddar, Mr. Anandilal.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.
Wilks, Mr. G. C. D.

NOES—2.

Brahmin, Mr. Ratanlal.
Basu, Mr. Jyoti.

The Ayes being 48 and the Noes 2, the motion was carried.

(Clause 1.)

Sri JYOTI BASU: Sir, I beg to move that the following proviso be added to clause 1(3), namely:—

"Provided that such provision or provisions shall not remain in force in any area for more than seven days on the strength of any such notification."

Sir, I have given notice of this amendment because I feel that this Bill should not any day become the law of our land. But since the Ministers are bent on getting it through by sheer majority, I want in this proviso to limit the operations of this Bill, whereby, if on any area this Bill is imposed, it shall remain in force only for seven days and after that the effect of this Bill on that area will expire. I am sure that my meaning is clear because, as the Hon'ble Ministers wish to point out that in ordinary times—that is their plea at least—the provisions of this Bill will not be used unless there is a grave emergency threatening the State. Therefore, if this is true, then surely they should accept the proviso which I bring before them that if in any particular area they feel that life is insecure, that the safety of the State is insecure, then they may apply it since they are bent on applying it, but enforce it there only for seven days so that after that it may expire and you may declare that it will not apply there because, as I pointed out formerly in one of my speeches, even in the fundamental rights which are declared by the Constituent Assembly it has been provided that the liberty of the subjects, liberty of free speech and expression, meetings and so forth shall not be interfered with unless there is a grave emergency and unless there is a declaration to that effect. Therefore it will be in keeping with the provisions of the Charter, the Charter of Liberty as it is claimed by the Congress leaders, if this proviso is accepted. If it is not

accepted, Sir, then my original contention would hold true that really the Ministers have some other purpose in mind in bringing forward such drastic laws. Then we would feel that they are bringing this Bill in order that it may become the ordinary law of Bengal and in order that through the operation of the provisions of this Bill they may suppress all movements which the ordinary people—whether it be clerks, whether it be students, whether it be workers or *kisans*—may launch in order to rebuild our country on a new basis, in order to light once again the lamp of civilisation in Bengal. But I am afraid that the way in which the Ministers are behaving they will not allow this. Therefore, I would urge upon the members of this Assembly to ponder over the matter and if they are also bent on supporting this Bill as it is before us, then at least limit its operation, limit the time for which this is going to operate in a particular area or a particular place. If they do that, then at least their *bona fides* will have been established at least to a certain extent, but unless they do that, then I am afraid the real intention in spite of their protestations——

Mr. SPEAKER: Have you finished?

Mr. JYOTI BASU: No, Sir.

Mr. SPEAKER: It is prayer time. The House stands adjourned for 15 minutes for prayer.

(The House was then adjourned for 15 minutes.)

(*After adjournment.*)

Mr. SPEAKER: Yes, Mr. Basu.

Sri JYOTI BASU: Mr. Speaker, Sir, to conclude what I had to say on this proviso I would urge upon the Ministers for the last time to consider that in many public meetings which have been held in and around Calcutta, in the districts and in all other places in Bengal, even some of the Congressmen have objected to the provisions of this Bill as being anti-democratic and unnecessary in the circumstances in which we live today. I would say that at least the damage which is being done to the fair name of Bengal shall be salvaged to a certain extent if my proviso is accepted. It will not harm the Government. They can bring into operation the provisions of this Bill with this proviso and every time it can be used, if it is necessary at all. We feel that the experience of the last three months has shown us that really this Bill is not necessary, but the Ministers think that it is necessary. So let us have a trial. If they do feel at particular times that the State is being endangered by somebody or other, they can in that particular area enforce the provisions of this Bill and after seven days they may withdraw them. Then, I think, after a fair trial they themselves as well as the people would understand whether it is really necessary or not. The people are being told that this is necessary today all of a sudden although the emergency is not being described for the people.

Mr. SPEAKER: Will you kindly not repeat what you have already said?

Sri JYOTI BASU: I shall of course try to follow your advice but it is a bit difficult because this Bill is so vile and the provisions are such that some repetitions would be necessary in order to emphasise my point and I have already pointed out that the Ministers are not only impervious to all that the public are saying but they have also become deaf.

Mr. MUDASSIR HOSSAIN: But the repetition of the arguments is prohibited. Therefore you cannot repeat them.

Sri JYOTI BASU: I trust that the Home Minister by now must have read the Bill—at the beginning when he first placed it before the House he

had not even read the Bill. Therefore I think some repetition would not harm him. However, I have explained my point with regard to my proviso which I have asked the Hon'ble Minister to accept.

Mr. SPEAKER: Mr. Mudassir Hossain, your second proviso is out of order but the first proviso is in order.

Mr. MUDASSIR HOSSAIN: Why this is not in order?

Mr. SPEAKER: Because section 82(*3*) of the Government of India Act requires the sanction of the Governor before it can be taken up.

Mr. MUDASSIR HOSSAIN: In that event I cannot question your ruling.

Sir, I beg to move that the following proviso be added to clause 1(*3*), namely:—

> "Provided that before the issue of notification referred to above directing that all or any of the provisions of this Act shall come into operation in the whole or any part of the Province of West Bengal, the Provincial Legislature passes a resolution to the same effect."

Sir, it is said that Congress Assemblies are havens of democracy. Wherever we attend a Congress Assembly, it is said there—democracy, democracy, democracy. Always we hear democracy, democracy and nothing else. In the Quoran it is stated what will be the state of heaven. It is said there that whenever you go to heaven, only one sound reaches your ear, and what is that? Aslam, Aslam, Aslam, meaning peace, peace, peace, and nothing else. Whenever you go, wherever you attend any Congress Assembly outside this legislature, you always hear democracy, democracy, democracy. But, Sir, in the proceedings which have been instituted in this legislature, I see and I find that our Ministers and the Congress party are acting against all principles of democracy. The other day, they were crying for democracy and the nomination was abolished in one stage—nomination in the District Boards, nomination in the Union Boards and nomination in the Municipalities and other self-governing institutions. Then, Sir, they have now come forward with a Bill which is an utter negation of all democratic principles (Cries of "hear, hear"). Because, Sir, in this Bill it is said that provisions of this Act shall come into operation when a certain area will be notified and declared as disturbed area by a notification in the official gazette. Sir, who is to judge as to whether a certain area is disturbed? If you are a democratic man, if you follow democratic principles, then I say that before you issue a notification, you must consult the Assembly and pass a resolution to the effect that an emergency has occurred or exists in a certain area and, therefore, application of the provisions of this Act is necessary to ensure safety of the State and to prevent all subversive activities. Therefore, I have added that before you issue a notification on the autocratic principle, on the autocratic determination of the Minister or any other body, you must consult the members, you must take this House into confidence. I do not ask any other person to be taken into your confidence, but I ask you to do this that before you issue a notification, you must take this House into confidence, place before it the facts of the case, and ask this House to pass a resolution to this effect that a certain area is disturbed and that the application of the provisions of this Act has become absolutely necessary for the safety of the State. I have added these things to the clause, namely, "Provided that before the issue of notification referred to above directing that all or any of the provisions of this Act shall come into operation in the whole or any part of the Province of West Bengal, the Provincial Legislature passes a resolution to the same effect". That is all that I have to say. If you accept this, it will be a democratic act. Unless you accede to accept this

amendment, you will be guilty of arbitrary act, undemocratic act. Therefore, Sir, for your own safety, in the interest of your own institution—that is, the Congress—and in keeping in line with all democratic principles, I hope the Hon'ble the Chief Minister will accept this amendment.

Mr. MD. KHUDA BUKHSH: Sir, I beg to move that after clause 1(3) the following proviso be added, namely:—

"Provided that the Provincial Government, before the issue of notification extending the application of this Act, shall consult the Provincial Legislature."

Sir, I find that my amendment is almost identical with the amendment that you have allowed to be moved by the honourable member who last spoke. The opposition to this Bill rests on the suspicion in the public mind of the permanent officials. There can be nothing wrong theoretically in arming one's own Government with powers, specially when it is a popular Government depending on the people for support. But, Sir, this Government is Ministerial Government and not the permanent officials who need no popular support and neither are they directly answerable to the people. Arming popular Governments with powers becomes in many instances tantamount to arming these permanent officials, record of some of whom in wielding these extraordinary powers is none too clean. As an instance, I shall mention the unfortunate district of Murshidabad where Muslim leaders have been arrested on mere suspicion, on mere whims of certain officials. When representation was made to the Hon'ble Prime Minister about their detention, he immediately set them at liberty. This proves conclusively that they were detained on frivolous grounds on the whims and caprices of officials who take delight in putting people in detention when they are armed with these extraordinary powers. Sir, we have seen down the ages in history that with the advent of independence people are apt at times to confuse liberty with licence and generally get indisciplined, and in this period of transition a situation might develop which would compel the Government to deal drastically with the offenders and Government should for those occasions and those occasions only have sufficient powers to effectively deal with the situation. But what we want to ensure, Sir, is that before the provisions of this Bill are applied, we must be sure that an emergency has, in fact, arisen or a situation has, in fact, developed calling for the use of these extraordinary powers. This is the place of Parliament and Government should take it into confidence and seek its approval before declaring any part of this Province disturbed. We would then know that the use of those powers in a certain part of the country is justified and that would disarm all criticisms in the whole country, and everybody will co-operate with Government in combating the situation that may necessitate the promulgation of this order.

With these words, Sir, I commend my amendment to the acceptance of the House.

Sri JYOTI BASU: Sir, I beg to move that the following proviso be added to clause 1(3), namely:—

"Provided that the Provincial Government shall state in such notification the reason for invoking any provision or provisions of this Act."

Sir, as I have stated earlier in my first speech, I think that it is the intention of any democratic civilised Government that if they wish to minimise or take away or restrict the liberty of the subjects or of the press, then it is necessary that they should state why it is so necessary. Now, we all know that if really a grave emergency like a war arises, then it may be necessary to pass certain extraordinary ordinances or laws for the time being. But unfortunately today we are discussing the provisions of a Bill which does not anywhere in the body of the Bill provide as to why this Act is going to be applied to the whole or to any part of the Province of West

Bengal. Now it is not sufficient for the Ministers just to say one fine morning that they feel troubles are brewing in an area which necessitate the operation of this particular clause or the operation of this particular Act. It is not sufficient in a democratic country merely to say so. It is necessary that Government should in such a case at least tell the people why and how an emergency has arisen. They should tell the people about whose welfare they are so loud in their protestations, about whose benefit they have been talking to us so long, about doing good to whom they have expressed their opinion on the platform and through the Press: the very same people would like to know as to how an emergency has arisen, who are the enemies who are threatening the safety of the State. If clear and simple reasons are shown and the people are told who are their enemies and therefore for the safety of the State, for the safety of the people of West Bengal, if they say, "you stand on guard," "defend your mother country," then I am sure the people in such an emergency would support the Ministry and their Bill even if there are certain clauses in the Bill which are so drastically undemocratic. Therefore I recommend for the acceptance of the House the proviso which I have given notice of so that at least before such a notification is issued the reasons are stated in clear and simple language instead of just saying that an emergency has arisen and such like things in order to hoodwink the people and give wide powers to the executive so that anybody can be arrested under that notification, because we are not told as to what is the emergency and why such powers are necessary. Therefore I am sure that at least this amendment will receive the consideration of the Government. Even if it does not, I am afraid that I feel bound to recommend it to the House for its acceptance.

Sir, I beg also to move that in clause 1(*4*), line 2, for the words "one year" the words "three months" be substituted.

Sir, I beg further to move that in clause 1(*4*), line 6, for the words "one year", the words "three months" be substituted.

Now, here also I would like to point out that even if the Ministers feel it a point of honour that this Bill, however fascist in content, must go through this House then at least they can limit it to a period of three months. Thereafter it is said that "provided that if and so often as a resolution in that behalf is, before the date on which under this sub-section it would otherwise have ceased to operate, passed by the Provincial Legislature, it shall continue in force for a further period of one year from such date". Here also they can substitute three months because that would be sufficient for they can re-enact it again if they think it necessary. Therefore I recommend that, instead of one year three months be substituted. For one year is too long a time because for one year we do not expect our liberty to be so shackled. We expect within one year the completest freedom and liberty in our country. But if for three months it is necessary to give it a trial, then the Ministers can accept this amendment which I have asked them to accept although as far as I am concerned it does not make much of a difference because an Act which is undemocratic in principle continues to be undemocratic whether it continues for three months or for one year. In any case the Congress Ministers here have to the world outside blackened their faces, blackened the face of the Congress, but still in order to limit its scope I say that my amendment should be accepted in all good faith. Because unless even that is done, then we would feel that this talk about an emergency and therefore the necessity for such a clause and such a Bill would really mean nothing. Really it would mean that the people are being told that while an emergency has arisen, it may or will continue for one year and thereafter. I am sure that thereby we are in the process of establishing a police state in Bengal. So I am waiting to see whether this amendment of mine will be accepted by the Hon'ble the Prime Minister on the other side.

Sri J. C. GUPTA: Mr. Speaker, I beg to move that in clause 1(*4*), line 2, the words "and so often as" be omitted.

I need only say that though it is a legal drafting language, some have doubted whether these words may not be intended to prolong the legislation so often as—I mean whenever they want to do so—by one year. That is not the intention and therefore I am proposing this in order to remove any doubt that may exist in the mind of anybody.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: শ্রীযুত জে, সি, গুপ্তের সংশোধনী প্রস্তাব উপস্থিত করেছেন, সেটা আমি গ্রহণ করছি এবং Houseকে গ্রহণ করতে অনুরোধ করছি। আর অন্য যে সমস্ত সংশোধনী প্রস্তাব শ্রীযুত জ্যোতি বসু, মুদাসসির হোসেন সাহেব, খোদাবক্স সাহেব উপস্থিত করেছেন, তা আমি গ্রহণ করতে পারি না। এবং এই Houseকে অনুরোধ করছি আপনার মারফৎ যেন এগুলি গ্রহণ করা না হয়। এর বিরুদ্ধে আমি ২।১টি কথা বলছি। প্রথম যে একটি কথা লেখা আছে ৭ দিনের বেশী notification থাকবে না, এ কেবল এই বিলকে অকেজো বা হাস্যাস্পদ করার মতলবে। তাঁরা চান না যে এই বিল পাশ হোক। তাই এঁরা চাইছেন এমন কিছু provisions দেওয়া হোক, যাতে এই বিলটা অকার্য্যকরী হয়ে যায়। এ উদ্দেশ্য নিয়েই এ কটা amendment আনা হয়েছে। অতএব আমি অনুরোধ করছি, এই সব সংশোধনী প্রস্তাব অগ্রাহ্য করা হোক। আর কোন জায়গার মধ্যে notification দিতে—মুদাসসির হোসেন ও খোদাবক্স সাহেবের প্রস্তাব বিচ্ছিন্ন হলেও এক—ভিন্ন ভাষায় যায়। এঁদের প্রস্তাব হচ্ছে যে কোন notification দিতে হলে আবার প্রাদেশিক এসেম্বলি ডাকতে হবে। এখন ধরুন emergency situation উপস্থিত হল; গভর্ণরের consent নিয়ে প্রাদেশিক এসেম্বলি ডাকা হল এবং আমরা ৭ দিন ১০ দিনের জন্য এসেম্বলি ডাকলাম। তার মধ্যে যা কিছু হবার হয়ে গেল। তখন বলা হল, গুরুতর অন্যায় হয়ে গেছে। এখন notification দেওয়া হোক। অতএব আমি এই সব সংশোধনী প্রস্তাব গ্রহণ করতে পারি না। তাই আমি শ্রীযুক্ত জে, সি, গুপ্তের সংশোধনী প্রস্তাব ছাড়া অন্য সব প্রস্তাবের সম্পূর্ণ বিরোধিতা করছি। আর তিন মাসের প্রস্তাব যা আনা হয়েছে, তা সমস্ত বিলটিকে অকেজো করবার জন্য করা হয়েছে। তাই সেটারও আমি বিরোধিতা করছি।

The motion of Sri Jyoti Basu that the following proviso be added to clause 1(*3*), namely:—

"Provided that such provision or provisions shall not remain in force in any area for more than seven days on the strength of any such notification",

was then put and lost.

The motion of Mr Mudassir Hossain that the following proviso be added to clause 1(*3*), namely:—

"Provided that before the issue of notification referred to above directing that all or any of the provisions of this Act shall come into operation in the whole or any part of the Province of West Bengal, the Provincial Legislature passes a resolution to the same effect",

was then put and a division taken with the following result:—

AYES—8.

Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Musharruff Hossain, Nawab Khan Bahadur.

NOES—48.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, The Hon'ble Shri Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, The Hon'ble Shri Annada Prosad.

Das, Miss Bina.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, The Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Murarka, Mr. Basantlal.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 8 and the Noes 43, the motion was lost.

The motion of Mr. Md. Khuda Bukhsh that after clause 1(3) the following proviso be added, namely:—

"Provided that the Provincial Government before the issue of notification extending the application of this Act, shall consult the Provincial Legislature",

was then put and lost.

The motion of Sri Jyoti Basu that the following proviso be added to clause 1(3), namely:—

"Provided that the Provincial Government shall state in such notification the reasons for invoking any provision or provisions of this Act",

was then put and a division called

Mr. SPEAKER: Under the regulation which I have already circulated today there is a provision that instead of taking votes as provided in rule 3(*b*) I can call on the Ayes or the Noes to rise in their seats. In pursuance to this regulation as many as are of that opinion will rise in their seats. (8 members rose in their seats.) As many as are of a contrary opinion will now rise in their seats (41 members rose in their seats.)

AYES.

Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Molla Md. Abdul Halim.
Mudassir Hossain, Mr.
Musharruff Hossain, Nawab Khan Bahadur.

The Ayes being 8 and Noes 41, the motion was lost.

Sri JYOTI BASU: Sir, where is this rule by which we are asked to rise in our seats?

Mr. SPEAKER: It has been circulated today. It is not in our present rules. There are certain regulations which have been circulated today.

Mr. MD. KHUDA BUKHSH: What is the division, Sir?

Mr. MUDASSIR HOSSAIN: Is there any precedent for that in any Parliament of the world? You are following the precedents of the British Parliament. You are imitating them when votes are taken, as to how many voted for and how many voted against.

Mr. SPEAKER: Here are the regulations. As there was an overwhelming majority of members against the motion I declared that the Noes have it.

Sri JYOTI BASU: On a point of privilege, Sir. All of a sudden these provisions have been circulated to us. I do not know why, because for the last so many months since we have come to this Assembly I have never gone through that procedure here. I do not know why these are being invoked. Is there any great emergency?

Mr. SPEAKER: Mr. Basu, these regulations have been in force since the very inception of this House. If necessary, they can be used.

Sri JYOTI BASU: But they have never been used. What is the necessity now? Is there any emergency?

Mr. SPEAKER: That is a matter within my discretion.

Mr. ABUL HASHEM: Sir, it has been the custom in a division that the names of individual members voting for or against are recorded in the proceedings. Now under this new rule I want to know whether the names of members voting for or against the motion will also be recorded in the same manner in the proceedings.

Mr. SPEAKER: Well, the names of those persons who have voted for the motion have been recorded, but those who have voted against the motion are in an overwhelming majority and therefore their names need not be recorded.

The motion of Sri Jyoti Basu that in clause 1(*b*), line 2, for the words "one year" the words "three months" be substituted, was then put and a division called.

(When the Division bell was ringing.)

Sri JYOTI BASU: On a point of privilege, Sir. Is there no other way of saving time?

Mr. SPEAKER: I am sorry, I have got no other provision for saving time.

Sri JYOTI BASU: Sir, when a state of emergency has arisen and the enemy is at our gate, I think we should do away with these divisions!

Those who were in favour of the motion were asked to rise in their seats. (8 members rose in their seats.) Those who were against the motion were also asked to rise in their seats. (41 members rose in their seats.)

AYES.

Abdur Rahman, Mr. A. F. M.	Khuda Bukhsh, Mr. Md.
Abul Hashem, Mr.	Molla Md. Abdul Halim.
Basu, Mr. Jyoti.	Mudassir Hossain, Mr.
Brahmin, Mr. Ratanlal.	Musharruff Hossain, Nawab Khan Bahadur.

The Ayes being 8 and Noes 41, the motion was lost.

Sri JYOTI BASU: On a point of privilege, Sir. In our regulations there is a rule wherein I find that when a division is called the Speaker will order the lobbies to be cleared and the Secretary will ring the bell. But the lobby has not been cleared.

Mr. SPEAKER: Well, that is not necessary if I ask the members to rise in their seats.

Sri JYOTI BASU: But the order is there in paragraph 1. It definitely says that when a division is called, the Speaker must ask the lobbies to be cleared.

Mr. SPEAKER: But when there is no recording of votes in the lobbies, there is no necessity of clearing them.

The motion of Sri Jyoti Basu that in clause 1(4), line 6, for the words "one year" the words "three months" be substituted, was then put and a division called.

Those in favour of the motion rose in their seats. (8 members rose in their seats.) Those against the motion then rose in their seats. (41 members rose in their seats.)

AYES.

Abdur Rahman, Mr. A. F. M.	Khuda Bukhsh, Mr. Md.
Abul Hashem, Mr.	Molla Md. Abdul Halim.
Basu, Mr. Jyoti.	Mudassir Hossain, Mr.
Brahmin, Mr. Ratanlal.	Musharruff Hossain, Nawab Khan Bahadur.

The Ayes being 8 and the Noes 41, the motion was lost.

The motion of Sri J. C. Gupta that in clause 1(4), line 2, the words "and so often as" be omitted, was then put and agreed to.

The question that clause 1, as amended, do form part of the Bill was then put and a division taken with the following result:—

AYES—41.

Bandyopadhyay, Mr. Pramatha Nath.	Gayen, Mr. Arabinda.
Banerjee, Shri Susil Kumar.	Ghose, Mr. A. K.
Banerji, The Hon'ble Dr. Suresh Chandra.	Ghose, Mr. Bimal Comar.
Barman, The Hon'ble Shri Mohini Mohan.	Ghosh, The Hon'ble Dr. P. C.
Basu, Mr. Hemanta Kumar.	Gupta, Mr. J. C.
Bhandari, The Hon'ble Shri Charu Chandra.	Haldar, Mr. Kuber Chand.
Bhattacharyya, Mr. Shyamapada.	Mahanty, Mr. Charu Chandra.
Bose, Mr. Satish Chandra.	Maiti, Mr. Nikunja Behari.
Chakravarty, Mr. Satish Chandra.	Majumdar, The Hon'ble Shri Bhupati.
Choudhury, The Hon'ble Shri Annada Prosad.	Mal, Mr. Iswar Chandra.
Das, Miss Bina.	Mallick, Mr. Ashutosh.
Das, Mr. Radha Nath.	Mandal, Shri Bankubehari.
Das Gupta, Mr. Khagendra Nath.	Mandal, Shri Krishna Prasad.
Das, Mr. Kanailal.	Mookerji, The Hon'ble Shri Kalipada.
De, Shri Kanai Lal.	Murarka, Mr. Basantlal.
Dolui, Mr. Harendra Nath.	Naskar, Shri Ardhendu Sekhar.
Dutta, Mr. Sukumar.	Naskar, The Hon'ble Shri Hem Chandra
Ganguli, Mr. Bepin Behari.	Panja, Mr. Jadabendra Nath.
	Pramanik, Mr. Rajani Kanta.
	Ray, The Hon'ble Shri Kamal Krishna.
	Roy, Mr. Jajneswar.
	Sen, Mr. Debendra Nath.
	Sinha, Mr. Bimal Chandra.

NOES—2.

Basu, Mr. Jyoti.	Brahmin, Mr. Ratanlal.

The Ayes being 41 and the Noes 2, the motion was agreed to.

(When clause 2 was called.)

Point of order.

Mr. MD. KHUDA BUKHSH: Sir, before you go to clause 2, I rise on a point of order. This clause purports to legislate in respect of illegal acquisition, possession or use of arms, ammunition or military stores as defined in the Indian Arms Act, 1878, and explosive substances as defined in the Explosive Substances Act, 1908. I submit that these are Central subjects and not included in the Provincial Legislative List nor in the Concurrent Legislative List in the Government of India Act, 1935. These are exclusively Central subjects, and as such, it is not within the competence of this Legislature to enact in respect of these subjects. It may be conveniently argued that valid and legal possession of these articles is Central subject and illegal possession of these things comes within the purview of the Province. And it may also be argued that as these thir tend to disrupt public order, and as public order is a Provincial sub-

No. 1 of List II, it can be included. But I feel, Sir, that it cannot be included, because if it did, the 1935 Act would not have given it in the exclusively Federal List, the numbers being 29 and 30 of the Federal List. If they felt that these things could be included in "Public Order", they could have said so in the Act. And I feel, Sir, that the Centre has also not delegated any power to the Province to legislate on these exclusively Central subjects. Sir, I want your ruling on this.

Sri J. C. GUPTA: Sir, the point of order raised by the honourable member has ignored, though he has referred to it, that "public order" is within the Provincial list. Lest there may be any confusion on the point you will notice that there is an official amendment to the preamble, I mean amendment No. 94, viz., "that in the preamble, line 1, after the words, 'special provision for' the words 'the maintenance of public order by' be inserted". This has been done as a matter of abundant caution as they say in the legal term. Now, Sir, what we have been legislating for is not regarding possession and use of arms under the Arms Act. Here in the interest of public order, in the interest of communal harmony we are trying to prevent the acquisition of and helping in procuring arms, helping in purchase and distribution of arms It is entirely a preventive step that has been taken. It is not a substantive legislation regarding arms and ammunitions And having regard to these facts I hope you, Sir, will agree that the provision is in order

Sri BIMAL CHANDRA SINHA: Sir, I rise to speak a few words on the point of order raised by the honourable member. The question is this in deciding whether it is within the competence of the Provincial Legislature to enact on a subject which seemingly encroaches on a subject mentioned in the List No I of the Government of India Act we shall have first of all to find out whether the main purpose of the legislation is to encroach on the Central subject. Well, Sir, the opinion of distinguished lawyers and of the highest Courts is that it is quite within the competence of the Provincial Legislature to enact on a subject mentioned in List No. II, even if it incidentally encroached on the Central list. I mention a specific case, namely, 74 Indian Appeals 23 C(43) I mention this case where it has been held that incidental encroachment on the rights given to the Centre under List No I, is permitted where the pith and substance of the legislation relates to a Provincial subject under the Government of India Act. That is my first point

My second point would be that so far as this legislation is concerned it does not come within the province of item 29 of list No. I, because in that item, Sir, you will find only "arms, firearms and ammunitions". As you will find from the provisions of this Bill, the scope of this Bill is much wider than merely regulating the use of arms, firearms or ammunitions. It is mainly concerned with the maintenance of law and order, maintenance of public safety and such other purposes as are mentioned in the preamble, for instance, the action of goondas, and so on All these are incidental and correlated with the main subject, namely, the maintenance of public order which, I submit, is a distinctly provincial subject mentioned in List No. II of the 7th Schedule to the Government of India Act.

Then, Sir, thirdly, I would refer you to another case—the 1944 Federal Court Report 1C(17) If you go through that report you will find the term "public order" also means public safety. That has been held by the Federal Court. So if public order has been permitted to be included in the Provincial list under the Government of India Act, that also includes under the authority of no less a Court than the Federal Court of India the maintenance of public safety which is the purpose specifically mentioned in the preamble of this Bill.

Having in view the decisions of these courts and also the interpretation given to them by eminent lawyers, may I submit that the point of order raised by the honourable member opposite is really irrelevant and does not

apply so far as this Bill is concerned. My submission to you, therefore, would be that this Bill comes within the purview of the Provincial Legislative list and does not encroach on the Central subject. Even if it does so incidentally, it does not in any way vitiate this Bill so far as the Provincial Legislature is concerned.

Sri JYOTI BASU: On a point of order, Sir, with regard to the same subject.

Sri BIMAL CHANDRA SINHA: Sir, will he speak on the same point of order? If he speaks on a different point of order, we might have your ruling on the first point of order first.

Sri JYOTI BASU: I shall speak on the same point of order Sir, it is true that public order or public safety, whatever it may be called, is a Provincial subject and the Provinces can legislate on that. But the point to remember is that when this Bill first came before the Assembly, these specific points which have been raised by Mr. Khuda Bukhsh were not there, that is, acquisition of illegal arms, goondas, and so on—these things were not there. They were specifically included by the Select Committee after public criticism was made of the Bill, and, therefore, this is certainly not an incidental encroachment upon the Central subjects by the Province These are—if you take them severally, each one by itself—a subject matter of legislation Central subjects have been encroached upon especially when the question of arms is raised, and therefore it is no good saying that the main purpose is public order or public safety in this Bill. Were it so, then, Sir, I maintain that it would not be necessary for the Select Committee to specifically specify these particular things which are here before us today when the Bill has come up. And as Mr J C Gupta has pointed out that they have understood their mistake, therefore subsequently an amendment has been brought forward But whether the amendment is there or not, I agree with Mr Khuda Bukhsh that "arms" is certainly a Central subject and cannot be dealt with by the Provincial Government.

Mr. SPEAKER: As this has raised a question of some importance I will give my ruling on this point tomorrow. The time for adjournment is near and so I adjourn the House now till 3-45 p m. tomorrow.

Adjournment.

The House was accordingly adjourned at 6-42 p.m till 3-45 p.m. on Tuesday, the 6th January, 1948, at the Assembly House, Calcutta

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 6th January, 1948, at 3-45 p.m

Present:

Mr. Speaker (the Hon'ble SRI ISWAR DAS JALAN) in the Chair, 9 Hon'ble Ministers and 59 members.

STARRED QUESTIONS

(to which oral answers were given)

Scarcity of milk in the Province.

*13. **Sri ANANDILALL PODDAR:** Will the Hon'ble Minister in charge of the Agriculture and Fisheries Department be pleased to state

(i) whether he is aware of the great scarcity of milk-supply throughout the whole Province, and

(ii) what steps have been or are proposed to be taken to improve the situation?

MINISTER in charge of the AGRICULTURE and FISHERIES DEPARTMENT (the Hon'ble Sri Hem Chandra Naskar): (i) Yes.

(ii) The improvement of milk-supply must necessarily be a long-term measure. No improvement would be possible without improving the milk yield of our cows, which is very poor at present and which must take a long time to achieve. The following are being done to improve milk production:—

(a) A scheme to improve cattle by the use of better bulls is already in force in selected areas of each district The bulls have been supplied by Government The Government is also paying a monthly allowance for the maintenance of such bulls. At present 700 bulls are at stud and it is proposed to increase their number to 2,700 during the next three years.

(b) In order to improve the feeding of cattle and thereby their milk production, Government has a scheme for the distribution of fodder seeds at subsidised rates so that growing of fodder crops may become popular

(c) A Central Livestock Research-*cum*-Breeding station is being established at Haringhata, near Kanchrapara, with a view to breed better bulls for supply to villages and to tackle the research problems concerning livestock in this Province.

(d) At present many cows, still in their prime, are prematurely slaughtered and thus lost to the country. The Government is establishing a dry cows salvage farm to demonstrate the method of saving such cattle.

(e) The question of imposing a qualitative restriction on slaughter of cattle is under consideration.

(f) Experiments are also being made in artificial insemination for providing better breed of cattle with some success.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state, with reference to answer (i), if he has made any estimate of the requirements of milk for the province as a whole as also of the supplies now available?

The Hon'ble Sri HEM CHANDRA NASKAR: There was no scheme of the past Government. We are considering about this and we are looking into the matter.

Sri BIMAL COMAR GHOSE: I am sorry, I do not know if I was sufficiently intelligible. I wanted to know if the Hon'ble Minister has any estimate of the total requirements of milk for this province and also of the supplies now available.

The Hon'ble Sri HEM CHANDRA NASKAR: Government has gone through the matter and if the honourable member wants it, I can give him the exact information.

Shaikh MOHAMAD RAFIQUE: Is the Hon'ble Minister aware that the average low milk yield of the cow is due to the climatic condition in Bengal?

The Hon'ble Sri HEM CHANDRA NASKAR: I want notice.

Shaikh MOHAMAD RAFIQUE: Can the Hon'ble Minister give us information as to whether any scheme of importing up-country cows is contemplated?

The Hon'ble Sri HEM CHANDRA NASKAR: Yes.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state as to how many bulls would be required for the province of West Bengal for supplying sufficient milk to the people? (Laughter.)

The Hon'ble Sri HEM CHANDRA NASKAR: I want notice.

Sri JYOTI BASU: I do not know if my question was understood. Of course, cows have to give milk but bulls are also necessary. He says that 2,700 bulls would be supplied, but my question is how many bulls would be required to supply sufficient milk to the people of West Bengal.

The Hon'ble Sri HEM CHANDRA NASKAR: It has not yet been worked out.

Sri JYOTI BASU: Is there any statistics at all about the requirement of milk in our province?

The Hon'ble Sri HEM CHANDRA NASKAR: I cannot say off-hand. I have already told another honourable member that if he wants the exact quantity which is required for this province, I can give him the information afterwards.

Sri JYOTI BASU: Then without the exact statistics, how is it possible to mention figures which have been mentioned about the requirements for our country?

The Hon'ble Sri HEM CHANDRA NASKAR: It is an attempt as a part of the programme.

Sri BIMAL CHANDRA SINHA: মাননীয় মন্ত্রী মহাশয় দয়া করে বলবেন কি যে এই ২,৭০০ Bull তিনি কোনখান থেকে আনতে প্রস্তাব করেছেন?

The Hon'ble Sri HEM CHANDRA NASKAR: হরিয়ানা, সিরি এবং অন্যান্য জায়গা যেখানে ভাল ভাল ষাঁড় পাওয়া যায় সেখান থেকে।

Sri BIMAL CHANDRA SINHA: মাননীয় মন্ত্রী মহাশয় দয়া করে বলবেন কি এখন পাঞ্জাবের অর্দ্ধেকাংশ এবং সিন্ধু, যেখান থেকে এইসব ষাঁড় আসতো পাকিস্থানে চলে যাওয়ায় ঐসব ষাঁড় আনতে অসুবিধা হবে কিনা?

The Hon'ble Sri HEM CHANDRA NASKAR: না, পূর্ব্ব পাঞ্জাবেও পাওয়া যেতে পারে এবং আমাদের বিহার থেকেও পাওয়া যেতে পারে।

Sri JYOTI BASU: With regard to answer (*b*) that the Government has a scheme for the distribution of fodder seeds, will the Hon'ble Minister be pleased to state whether that scheme is in operation yet?

The Hon'ble Sri HEM CHANDRA NASKAR: Not yet.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state what is the basis on which this figure of 2,700 has been arrived at and what would be the capacity of each of the stud bulls?

The Hon'ble Sri HEM CHANDRA NASKAR: We are considering the matter and it was estimated that 2,700 bulls would be necessary.

Sri NIHARENDU DUTT-MAZUMDAR: With reference to answer (*b*) that fodder seeds at subsidised rates are being supplied, will the Hon'ble Minister be pleased to state to whom these are being supplied?

The Hon'ble Sri HEM CHANDRA NASKAR: To growers of the villages.

Sri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether additional provision has been made for land on which those seeds are to be utilised?

The Hon'ble Sri HEM CHANDRA NASKAR: The lands are there already.

Sri JYOTI BASU: With regard to answer (*b*) once again, will the Hon'ble Minister be pleased to state by which particular date or month this scheme is going to be put into operation?

The Hon'ble Sri HEM CHANDRA NASKAR: It is very difficult to say, but we will try to do it very soon.

Sri JYOTI BASU: With regard to answer (*c*) that a Central Livestock Research-*cum*-Breeding Station is being established, will the Hon'ble Minister be pleased to state whether it has been established or when it will be established?

The Hon'ble Sri HEM CHANDRA NASKAR: It has been already established.

Shri BIMAL CHANDRA SINHA: মাননীয় মন্ত্রী মহাশয় দয়া করে বলবেন কি আমাদের এখানে cattle census নেওয়া হয়েছে কিনা, এবং হয়ে থাকলে তাতে কত shortage আছে সে সম্বন্ধে মন্ত্রী মহাশয়ের কোন ধারণা আছে কিনা?

The Hon'ble Sri HEM CHANDRA NASKAR: নেওয়া হয় নাই-- নেওয়া হচ্ছে। আর cattle বলতে কি সমস্ত জিনিষ, না, খালি গরু আর ষাঁড়?

Mr. MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state what is the average life of a stud-bull for stud purposes?

The Hon'ble Sri HEM CHANDRA NASKAR: About 20 or 22 years.

Sri BIMAL CHANDRA SINHA: মাননীয় মন্ত্রী মহাশয় দয়া করে বলবেন কি তাঁর কোন খবর আছে কিনা যে বাংলাদেশে stud bull এবং bullocks পূর্ব্ব পাকিস্থানে চালান হয়ে যাচ্ছে?

The Hon'ble Sri HEM CHANDRA NASKAR: আমি খবর পেয়েছি। দুই-এক জায়গা থেকে বরাবর যেত এবং এখনও সেই সব হাট থেকে যাচ্ছে।

Sri BIMAL CHANDRA SINHA: মাননীয় মন্ত্রী মহাশয় দয়া করে বলবেন কি গরুর অল্পতা থাকার ফলে তিনি এই রকম চালান বন্ধ করবার ব্যবস্থা অবলম্বন করতে প্রস্তুত আছেন?

The Hon'ble Sri HEM CHANDRA NASKAR: সে বিষয় আমরা বিবেচনা করছি। আমাদের পাশেই বিহার, বিহারের সেই হাট যদি আমরা বন্ধ করি তাহ'লে বিহার থেকে অন্য জায়গায় গিয়ে সেই হাট বসান হবে। কাজেই আমরা বিবেচনা করছি। সেখানকার ম্যাজিস্ট্রেট মহোদয়কে লেখা হয়েছে যে বাস্তবিক আমাদের অকর্ম্মণ্য গরু চালান যাচ্ছে না, কাজের গরু চালান যাচ্ছে?

Sri NIHARENDU DUTT-MAZUMDAR: With reference to answer (*f*), will the Hon'ble Minister be pleased to state how many centres exist for experiments in artificial insemination for providing better breed of cattle?

The Hon'ble Sri HEM CHANDRA NASKAR: Belgachia Veterinary College.

Sri NIHARENDU DUTT-MAZUMDAR: Is there any other college?

The Hon'ble Sri HEM CHANDRA NASKAR: There are no other colleges in existence.

Sri NIHARENDU DUTT-MAZUMDAR: What is the result of such experiments and what is the number of cattle as a result of artificial insemination?

The Hon'ble Sri HEM CHANDRA NASKAR: I cannot say that off-hand but I want notice.

আমি এখন বলতে পারছি না। নোটিশ দিলে অনুসন্ধান করে বলতে পারি। তবে বেলেঘাটায় একটা Centre হয়েছিল এবং সে Centre আমি Open করেছিলাম। সেখানে যে কাজ হয়েছিল, তা Eighty per cent successful হয়েছিল। এবং যে বাছুর হয়েছিল সে খুব ভাল বাছুর হয়েছিল। সাধারণতঃ গরু পাঁচ-ছয় মাস দুধ দেয়। কিন্তু সেখানে সাত মাস হয়ে গেছে, আজ আট মাসে এখনও ভাল দুধ দিচ্ছে।

Sri NIHARENDU DUTT-MAZUMDAR: মাননীয় মন্ত্রী মহাশয় দয়া করে বলবেন কি fodder cropএর জন্য যে seed বিলি করা হবে তারজন্য ভিন্ন ভিন্ন ইউনিয়নের এলাকায় বিশেষ কোন জমির বন্দোবস্ত করা গভর্ণমেণ্টের schemeএর ভেতর রয়েছে কিনা—যাতে করে food cropএর জমি fodder cropএর জন্য ব্যবহৃত না হয়।

The Hon'ble Sri HEM CHANDRA NASKAR: জমি আমাদের হাতে নয়। তবে যেসব উঁচু ডাঙ্গা জমিতে সাধারণতঃ লোকে fodder তৈরী করে সেই সব জমিতে তারা fodder করবে।

Sri NIHARENDU DUTT-MAZUMDAR. যে সমস্ত ডাঙ্গা জমি এবং পুরাণ প্রজার ভিটায় অধিকাংশ জমিদারের দয়ার ফলে ঘুঘু চরছে, তাঁরা সেখানে fodder করতে দেবেন কিনা, তার কি ব্যবস্থা গভর্ণমেণ্ট করেছেন?

The Hon'ble Sri HEM CHANDRA NASKAR গ্রামের লোকেরা সে ব্যবস্থা করবে।

Sri NIHARENDU DUTT-MAZUMDAR: ডাঙ্গা জমিগুলো দখলে এনে সেখানে fodder crop করবার জন্য গ্রামের লোকদের হাতে ছেড়ে দেওয়া গভর্ণমেণ্টের policy, না, এ সম্বন্ধে কোন নীতি নির্দ্ধারণ করা হবে?

The Hon'ble Sri HEM CHANDRA NASKAR: যদি সাধারণ লোকে বাধা পান, তখন জানালে গভর্ণমেণ্ট সে বিষয় বিবেচনা করবেন।

Sri NIHARENDU DUTT-MAZUMDAR: মাননীয় মন্ত্রী মহাশয় দয়া করে বলবেন কি পশ্চিমবঙ্গ প্রদেশের দুই সহস্রাধিক বিভিন্ন ইউনিয়ন এলাকায় কৃষক সাধারণের পতিত ডাঙ্গা জমিতে ঠিক এইভাবে এখনই গোচারণের জন্য fodder crop এর ব্যবস্থা করতে গভর্ণমেণ্টের অনুমতি রয়েছে কিনা?

The Hon'ble Sri HEM CHANDRA NASKAR: আমাদের মাত্র চার মাস গভর্ণমেণ্ট চলছে। সুতরাং এবিষয়ে আমার পক্ষে এখনই কিছু বলা সম্ভব নয়।

Sri NIHARENDU DUTT-MAZUMDAR মাননীয় মন্ত্রী মহোদয় অনুগ্রহ করে বলবেন কি এই যে stud bullগুলি বিভিন্ন জায়গায় রয়েছে এগুলি কি Agricultural Departmentএর তত্ত্বাবধানে রয়েছে, না তার জন্য বিশেষ veterinary অধ্যক্ষ নিয়োগ করা হয়েছে।

The Hon'ble Sri HEM CHANDRA NASKAR: এগুলো গ্রাম্য union boardএর অধীনে রাখা হয় এবং রাখার জন্য খরচের টাকা দেওয়া হয়।

Sri JYOTI BASU: With reference to answer (*f*) in view of the fact that he is pleased with the result of artificial insemination for providing better breed of cattle, will the Hon'ble Minister be pleased to state whether he intends to open up other centres for the same purpose?

The Hon'ble Sri HEM CHANDRA NASKAR: We intend to do the same.

Shaik MOHAMAD RAFIQUE: Is the Hon'ble Minister aware that cow slaughter is 50 per cent of what it used to be six months back?

The Hon'ble Sri HEM CHANDRA NASKAR: I think it is not exactly 50 per cent

Shaik MOHAMAD RAFIQUE: What is the percentage that the Hon'ble Minister thinks?

The Hon'ble Sri HEM CHANDRA NASKAR: I cannot say off-hand.

Shaik MOHAMAD RAFIQUE: Is the Hon'ble Minister aware that even hides of fallen animals—by "fallen animal" I mean an animal which dies a natural death—are not collected in West Bengal?

The Hon'ble Sri HEM CHANDRA NASKAR: Yes

Shaik MOHAMAD RAFIQUE: In reply to question (*f*) the Hon'ble Minister has stated that he has tried artificial insemination and it has met with success. In view of that statement, does the Hon'ble Minister still think that 2,700 more stud-bulls will be necessary—I mean they need not go on with the establishment of new centres for artificial insemination?

The Hon'ble Sri HEM CHANDRA NASKAR: We are trying

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state what will be the cost of artificial insemination as compared with rearing by stud-bull?

The Hon'ble Sri HEM CHANDRA NASKAR: I cannot say that off-hand.

Supply of stud-bulls to union boards and municipalities.

***14. Sri ANANDILALL PODDAR:** Will the Hon'ble Minister in charge of the Agriculture and Fisheries Department be pleased to state

what measures have been taken or are proposed to be taken to see that sufficient number of stud-bulls of suitable breed are supplied and properly maintained in—

(i) union boards, and

(ii) the municipal areas of West Bengal?

The Hon'ble Sri HEM CHANDRA NASKAR: The Government has already got a scheme in operation for the improvement of cattle in this Province. Under this scheme compact blocks of contiguous villages have been selected for concerted breeding operations. In these blocks all scrub bulls have been castrated and improved bulls—of Hariana breed in plains and of Siri breed in the hilly portions of Darjeeling district—have been supplied at Government cost. Government also pays a monthly allowance of Rs.15 for the maintenance of such bulls. In all 700 such bulls are at stud in different parts of the Province at present It is proposed to increase this number to 2,700 by the distribution of more bulls during the next three years.

As the bulk of our cattle are in rural areas, and as it was not the last Government's policy to encourage the maintenance of cattle in urban areas, bulls have not been supplied for stud in municipal areas. The question of providing stud-bulls in municipal areas also is under examination. The existing animals are all at stud in rural areas.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state on what facts and figures these figures—700 and 2,700 bulls—have been worked out?

The Hon'ble Sri HEM CHANDRA NASKAR: We have got 700 bulls.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state what is the basis for working out the figure of 2,700?

The Hon'ble Sri HEM CHANDRA NASKAR: We consider that we should purchase 2,700 bulls for supplying to the rural areas

Sri JYOTI BASU: I do not think my question has been understood by the Hon'ble Minister. Will he be pleased to state how this particular figure of 2,700 has been arrived at and not say, 5,000 for the next three years?

The Hon'ble Sri HEM CHANDRA NASKAR: I have seen from Government records that we have to purchase 2,700 stud-bulls

Sri NIHARENDU DUTT-MAZUMDAR: মাননীয় মন্ত্রী মহোদয় অনুগ্রহ করে বলবেন কি এই যে খরচ পনের টাকা করে ধার্য্য হয়েছে, এ কি সমস্ত মিলিয়ে না প্রতিটি bullএর পিছু এবং এ সম্বন্ধে কোন allowance বাড়াবার আবেদন পেয়েছেন কি?

The Hon'ble Sri HEM CHANDRA NASKAR: উপস্থিত কোন কিছু পাওয়া যায়নি।

Sri NIHARENDU DUTT-MAZUMDAR: এ সম্বন্ধে কোন আবেদন আসেনি কিন্তু আসবার সম্ভাবনা আছে কি?

The Hon'ble Sri HEM CHANDRA NASKAR: তা এখন বলা সম্ভব নয়।

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if the figure of 2,700 which we find was an estimate which was made long before the partition of Bengal?

The Hon'ble Sri HEM CHANDRA NASKAR: We will try to supply as many bulls as possible.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister contradict me if I say that this figure of 2,700 was arrived at before the 15th of August, 1947?

The Hon'ble Sri HEM CHANDRA NASKAR: We want larger number of bulls.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state what is the total figure for the whole of East and West Bengal?

The Hon'ble Sri HEM CHANDRA NASKAR: I cannot say off-hand. I ask for notice.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if West Bengal requires more stud-bulls than East Bengal?

The Hon'ble Sri HEM CHANDRA NASKAR: That is not our concern.

Points of Privilege.

Selection of the Leader of Opposition.

Sri NIHARENDU DUTT-MAZUMDAR: On a point of privilege, Sir. The House has always known definitely who is the Leader of the Opposition from time to time. May we know which honourable member on the other side is to be regarded by us as the Leader of the Opposition? We are very uncertain about it.

Mr. SPEAKER: The office has not yet received any intimation about the selection of the Leader of the Opposition, and I think it is desirable that some Leader of the Opposition should be fixed so that we can deal with the Opposition through him.

Sri NIHARENDU DUTT-MAZUMDAR: Sir, do we understand that the Opposition has been functioning without any leader and may we know whether you have taken any steps to find out on your own initiative as to whether there is anyone acceptable as the Leader of the Opposition?

Mr. SPEAKER: No. We have written to Mr. Abdur Rahman to let us have the names of the members of his party as also the name of the leader of his party.

Sri NIHARENDU DUTT-MAZUMDAR: On what basis, Sir, you have addressed Mr Abdur Rahman—as the Secretary or as temporary leader of his party?

Mr. SPEAKER: Mr. Abdur Rahman wrote to us that his party should be allotted a room and on that basis he was written to.

Entry of Members and Visitors.

Sri SIBNATH BANERJEE: On a point of privilege, Sir Yesterday two friends of my party came to see me in the Assembly House but they were not allowed to come in, rather they were treated very discourteously. Sir, we are not prisoners in a jail, but even in jails we are better treated than this. Those persons were treated very shabbily. Will you kindly enquire into the matter so that recurrence of such things is made impossible in future?

Mr. SPEAKER: I do not know what the circumstances were, and I would request Mr. Banerjee to furnish me with further particulars so that I may enquire into the matter.

Leader of the Opposition.

Sri NIHARENDU DUTT-MAZUMDAR: May I ask through you, Sir, the other side to state as to who is the Leader of the Opposition or whether anybody has been elected as yet?

Shaik MOHAMAD RAFIQUE: Sir, on the first day of this session Mr. Abdur Rahman made our position very clear. We have not yet decided whether we will sit in opposition. We are sitting here only by way of courtesy to help our friends on the other side. We are here to assist our friends over there so that the people might not say that this is a tame affair. At present it will not be possible for us to give any indication as to whether we will act as a party in opposition or whether we will merge with any other party. Till we have decided that we cannot say whether we will sit in opposition. As soon as we have decided and elected a leader we will inform you.

Entry of Members and Visitors.

Sri JYOTI BASU: Sir, I raised a similar point yesterday as has been raised by Mr. Banerjee. And now I find from my personal experience and the experience of my friends that since the House is surrounded by armed guards—and I do not know how long it will continue—it has become a source of trouble to us. It is extremely difficult for our friends to get in if they wish to come to the visitors' gallery, and we have to come out personally beforehand and hand over the cards to them and escort them back here. This procedure is extremely complicated for the members because none of the clerks of the Assembly stays at the gate. Today I had left my card behind, and when I came to the Assembly in the afternoon I was stopped at the gate. First I was stopped near the High Court—I was coming down from the High Court—and when I could persuade the Sergeant to let me in he let me in, but he said that without the permission of the Speaker or unless somebody identified me he could not let me in. They are such blockheads that I could not explain to them how I could not be identified by the Speaker or anybody else at that place. You, Sir, cannot be expected to be at the gate to identity us. Then anyhow I came to the gate and I was stopped again. But fortunately the Sergeant there asked me where was my card. I said I had left it behind. He did not stop me fortunately, and so I could come in. Sir, this is very troublesome and extremely humiliating to us. First of all, so much arms' show is not necessary at all. Nobody is coming to attack this Assembly. Secondly, Sir, you should make some arrangement, if you can, by which we do not have to pass through these humiliating conditions.

Mr. SPEAKER: I understand that there has been some inconvenience caused to honourable members to get in. In any event I will take such steps as will be necessary to ensure that no trouble occurs and the members and visitors may come in.

Point of Order.

Sri JYOTI BASU: I think today you will give your opinion on the point of order that was raised yesterday, but before you do so I should first like in one or two minutes to make a point which has arisen in my mind so that it would be easier and more helpful for you to give your decision.

Mr. SPEAKER: Well, though my friend spoke on this subject yesterday, if he can give me in as few words as possible as to what he has to say, I shall consider it just now.

Sri JYOTI BASU: I shall be very brief, Sir. First of all I feel that whatever was said yesterday, that of course you will take into consideration, but apart from that you will also take into consideration how in this Bill

the Provincial Legislature is usurping—not only usurping the authority of the Centre but in fact going beyond that, that is, what the Centre has not done, the Provincial Legislature seeks to do. As you will see, if I may illustrate my point, in the Arms Act it is provided that if somebody is in possession of arms illegally, he shall be guilty of an offence, but the Arms Act does not provide that if somebody organises and further helps the illegal acquisition and possession of arms, then he shall commit an offence. But the Provincial Legislature seeks to pass a Bill a very important provision of which is that if somebody organises and helps the illegal possession and acquisition of arms, then he shall be guilty of an offence and, as such, then what the province could have done was to have referred the matter to the Centre and they could have thereby, if they wanted to, put in a clause in the Arms Act or done some such thing. But the Provincial Legislature has no power whatsoever to do such a thing. Because this point was not raised yesterday so I am raising it today, and this is not a single matter at all. This is one amongst the two or three or four purposes which have been cited in the Bill—the purposes for which the Bill is being sought to be passed. Amongst one of those is the illegal acquisition and possession of arms and therefore my point is that this is *ultra vires* and should be thrown out. Lastly for the satisfaction of yourself I would urge upon you that if it is difficult for you to arrive at some definite opinion then the Advocate-General be called upon to come and address the House.

Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, since you have allowed a fresh point to be brought before the House I would point out that the point just cited by my honourable friend opposite does not hold good for the simple reason that although the Arms Act may be a Central subject nonetheless the province cannot be made a base for gun-running which affects the maintenance of law and order in this province and in so far as for the purpose of maintenance of law and order this legislature has to legislate it is perfectly within the competence of this legislature to take adequate measures in order to stop gun-running If the possession of arms illegally has been made an offence under the Arms Act, the men found in possession of arms may be found guilty and convicted by a court but those who would organise the illegal acquisition of arms could manage to get away with it, and what this new legislation aims at doing is to provide for making that an offence, to organise for, to abet further and do other things necessary for the illegal acquisition of arms an offence and thereby the mischief-maker would come under the mischief of the penal clause provided in this Bill. Therefore, there is absolutely nothing which is beyond the competence of this House regarding this matter.

We all know, Sir, for instance, the railways are a Central subject but the Provincial Government can certainly take adequate steps and the legislature can legislate with a view to effectively stop railway robberies and such other crimes which may be carried on in that connection. It cannot be pleaded that because the railway is a Central subject, therefore all the highwaymen's job can go on uninterrupted so far as railway robberies and such other avocations are concerned. Similarly, in this very dangerous time the Provincial Government is faced with the problem of effectively checking gun-running as an integral part of its duties to maintain law and order. The Provincial Government has come up before the legislature and the legislature has to legislate on those points in order to give the necessary powers which fall absolutely under its competence. I therefore submit that the objections raised by my honourable friend opposite have no substance behind them and ought to be ruled out.

Ruling of Mr. Speaker on the point of order raised by Mr. Khuda Bukhsh on 5th January, 1948.

Mr. SPEAKER: Yesterday Mr. Khuda Bukhsh raised this point of order in connection with clause 2 of the West Bengal Special Powers Bill and the

point of order was that clause 2 purported to legislate in respect of illegal acquisition, possession or use of arms, ammunition or military stores as defined in the Indian Arms Act, 1878, and Explosive Substances Act, 1908, and because in item Nos. 29 and 30 of List I of Seventh Schedule of the Government of India Act, arms, firearms, ammunition and explosives are within the exclusive power of the Dominion Legislature, it is not within the competence of this legislature to enact in respect of such matters.

In the Seventh Schedule of the Government of India Act there are three lists dealing with the powers of the different legislatures. List I deals with the powers which are exclusively possessed by the Dominion Legislature. List II mentions the subjects which are within the exclusive jurisdiction of Provincial Legislatures and List III deals with the subjects over which there are concurrent powers both of the Dominion as well as of the Provincial Legislatures. Item I of List II which deals with the subjects over which the Provincial Legislature has exclusive jurisdiction mentions *inter alia* the following subjects:—

> "Public order (but not including the use of His Majesty's naval, military or air forces in aid of civil power); preventive detention for reason connected with the maintenance of public order; persons subjected to such detention."

In order to decide as to whether the provisions in section 2 of the Bill under consideration so far as it deals with arms, ammunition or military stores or explosives are within the competence of the Provincial Legislature or not, it is necessary to find out as to whether the provisions objected to come within this item No. 1 or not. The object of the Bill in question as defined in its preamble in respect of which also an amendment is before the House shows that the main object of the Bill is the maintenance of public order. The definition of subversive act as given in sub-clause (7) of clause 2 means any act which is intended or is likely *inter alia* to organise further or help the illegal acquisition, possession or use of arms, ammunition or military stores or explosive substances. The Bill further provides for punishment in cases of such subversive acts, detention with a view to prevent such subversive acts and certain other restrictions regarding loud speakers, megaphones, etc. It is quite obvious that it is not desired by this Bill to directly legislate in respect of arms, ammunition or military stores and explosives. The real purpose is only the maintenance of public order and to provide for detention which is really included in the Provincial List.

Even if incidentally it may be stated that these provisions encroach upon the Dominion subjects, the trend of all authorities is that it is necessary to ascertain the pith and substance or true nature and character of the legislation and that even if it incidentally encroaches upon the Central subjects, it is within the competence of the Provincial Legislature to legislate—*vide* Law Reports, Indian Appeals, Vol. 74, Part I, page 23. Public order includes public safety or interest has been held in Federal Law Journal Reports at page 151 and page 163 and it makes the scope of public order still wider.

I am therefore of opinion that the point of order raised by Mr. Khuda Bukhsh is not maintainable.

GOVERNMENT BILL.

The West Bengal Special Powers Bill, 1947.

Clause 2.

Sri JYOTI BASU: I move that in clause 2(*1*), line 2, the words "or any other thing" be omitted.

Mr. Speaker, Sir, the purpose of my amendment is that if the Government wish to enact any law they must be very definite and clear as to the

definitions of things instead of leaving them vague as it has been done here. Here it says, "essential commodity" means food, water, fuel, light, power or any other thing essential for the existence of the community, etc. Now, this may mean that the Government may take it into its head to call anything it likes under the sun essential, not necessarily things even of the nature of water, fuel, light, power, etc. For instance, it may be said that cigarettes or *biris* or cloths or jute are essential things. The result would be an unrestricted scope for preventing all sympathetic or political strikes in any industry, because this essential commodity is referred later on in sub-clause *(7)(f)* wherein it says "to impede, delay or restrict any work or any means of transport or locomotion necessary for the supply or distribution of any essential commodity except in furtherance of an industrial dispute" would be a subversive act. Now, in a particular industry—I have taken an extreme example—like *biri*, there may be some sort of strike or the work may be impeded or hampered. The Government may turn round and say this is an essential commodity and as such the strike is illegal. Therefore I have specially taken this extreme example in order to illustrate my point. In any case Government cannot be given on principle any such rights whereby it can at its sweet will interpret things according to its likes and dislikes. It is first bad in principle and in law, especially a law which is lawless. Secondly, if it is a question which is often raised of trusting a popular Government we say that it is impossible to trust a Government popular or otherwise if that Government has no faith in an open trial or in the course of the land, because this Government has, all of a sudden after the 15th August, forgotten and, in fact, repudiated the principle that a man is innocent till he is proved guilty That is what we learnt in our text-books and that is what Anglo-Saxon jurisprudence has taught us by which we are guided here, but unfortunately this Government has given the go-bye to that principle, and accepted very undemocratic principles. Therefore it is no good asking us to give a trial to the Government having faith in the Ministers and their permanent officials, because we know that if any loophole is there in law then as far as the Government is concerned if the Government takes the attitude which it has taken today, then it would mean that people would have to suffer in every case, because though we know that everybody is equal before law, but unfortunately we find in the courts in the ordinary day to day life everybody is not equal in the eyes of law, and we find that although law is the same——

Mr. MUDASSIR HOSSAIN: Sir, I rise on a point of order. He is talking irrelevantly.

Sri JYOTI BASU: In point of fact, Sir, all people are not equal in the eyes of law. It depends sometimes on the Magistrate or the Judge, as to how he has been brought up, what has been his education, what is the political situation in the country and so on and so forth. Therefore I would ask the Government to acept my amendment and delete those words "or any other thing" and if necessary they could have given an exhaustive list by defining what are essential commodities. That would have saved Government taking the trouble of having to ask us all the time to have faith in their officials and their judgment. The best thing for them would be to accept this amendment and make the list exhaustive if so necessary.

Sir, I then beg to move——

Sri NIHARENDU DUTT-MAZUMDAR: On a point of information, Sir. Is it your ruling that all the motions should be moved and discussion should follow?

Mr. SPEAKER: Yes.

Sri JYOTI BASU: Sir, I beg to move that the following proviso be added to clause 2(5), namely:—

"Provided that such order sahll be endorsed in writing by the Minister in charge of the Home Department within seven days of making thereof."

Sir, this is a very simple point, and that is that any such order, if it is to be guarded at all from being oppressive on the citizen, then at least if it has the sanction of the Hon'ble Minister in charge of the Home Department then there is some sort of a guarantee, although not much of a guarantee. Therefore my point over here is there should be this proviso and if it is accepted—I know it will not be accepted but still I want to make this point—that would mean that Government would prove its *bona fides*. Dr. Ghosh told us that in each case he would very carefully go through all the cases of the accused persons under this Act when it is promulgated. Therefore, Sir, I have given this amendment in order to test that *bona fides*, and that is my sole purpose in doing so.

Mr. SPEAKER: Amendment No. 13 is out of order. Then comes amendment No 14 of Mr. Jyoti Basu.

Sri JYOTI BASU: Sir, I beg to move that the following proviso be added to clause 2(7)(a)(ii), namely:—

"Provided that no agitation, movement or political or other activity shall be deemed to have been intended or likely to endanger the safety or the stability of the province unless such agitation, movement or political or other activity, endangers communal harmony or encourages external aggression."

Sir, here the purpose of this amendment again is to test the *bona fides* of the Government, because we have been told times without number here in this Assembly and outside through the press that special powers are necessary for the Government, for this infant Government as we are told, for preserving communal harmony, because whatever we may think Dr Ghosh thinks that the heroic police of Bengal who have not changed since 15th August have done a wonderful piece of work in restoring communal harmony and hence they should be given some more powers because we are told that because of the lack of power riots took place in Bengal. If the police had some more powers then such riots would not have taken place. That is why the police is being given more powers That is what Dr. Ghosh told us here in this Assembly and he has been telling us in the press. In this matter of course our experience is quite different. Either they were inactive or they had participated in the riots, participated in the looting. (Mr NIHARENDU DUTT-MAZUMDAR: They were your allies before!) Sir, Mr. Niharendu Dutt-Mazumdar does not like my remarks about the police. I do not know why, but there must be some purpose for his trying to interrupt me. His newly found friendship with the police is really difficult to understand. Therefore, Sir, as I was saying however much Dr. Ghosh or his Ministers may have become fond of the police and however child-like and infant-like he is putting his trust in the police, because everything is infant-like with them, we feel that the police should not be given these powers, but I am not going into that at the moment. My point is that if you wish to have this clause then at least it should be restricted in its scope, and you must specifically state as to why this is necessary, because, for instance, if you say, as my amendment purported to do, that you wish to preserve communal harmony, then of course working class movement or kisan movement or the movement of other sections of the people will not fall under this. But if that is not done then unfortunately what will happen is that all sorts of movements will come under its scope. Therefore I think it should be restricted in the manner that I have proposed here. Similarly the second point of my amendment is this that it has been made out to the Hindus at

least that Pakistan may, I understand, attack us: there is this danger. If that is so, then it should be specifically stated in this Bill. That is, if there is a fear of external aggression from any quarter then this clause should be invoked. If that is there——

Sri NIHARENDU DUTT-MAZUMDAR: That is a Central subject, even if Pakistan would be kind enough to intimate their desire beforehand to you.

Sri JYOTI BASU: If that is there, then I am sure it will not be used for any purpose other than what has always been stated by the Government. Unless these two amendments of mine are accepted, namely, that it will be used for preserving the safety and stability of the province for preserving communal harmony and against external aggression, what will happen is that any police official, even a police sub-inspector, would interpret it according to his education and his own likes and dislikes, and it would mean that even legitimate activities would be interpreted in a manner whereby a man or a section of the people, workers, kisans and clerks, in their ordinary day to day trade union activities—their organized movements for bread, for cloth and so on—could be brought under this Act. Therefore I think that if what the Government is telling us is true, then the best thing would be to accept my amendment.

Lastly, Sir, why always this point is made out that this Bill or this clause seeks to ensure the safety and stability of the province and that it relates to saving the State from the attack of Pakistan, because if any external State like Pakistan wishes to attack West Bengal then it would mean that there would be a state of war: it would mean that you would have to arm the people and have your own volunteer corps. You cannot in that case depend on the ordinary police—the police who have shown a fine record of their service during many years past and who are continuing today even after the 15th of August. You will have to depend on the people and trust them and tell them that they will have to defend with arms in hand their own country. Unless that is done, it is no good just passing a Bill like this and saying merely that "we shall preserve the safety and stability of the province". I may say that these things are not true things,—these things which are being trotted out from the press and the platform by Government spokesmen are not correct. There are some other things, and naturally these people in general suspect that the game is something else, and therefore if these amendments are accepted then at least the people will feel that now it is so restricted in scope in conformity with what the Ministers have been saying that we can give this power for a certain time to the Ministers or the Government at least for two or three months. But if these are not accepted and left as they are, then it would mean something else, as we have seen it to mean that ordinary workers of the Broke Bond Company were arrested under the Special Powers Ordinance and we have seen it everywhere. Dr. Ghosh might not know that the workers of the Brooke Bond Company were arrested, for it is not possible for him to know that. Therefore it is no good telling us, "I shall look into every paper and do everything". It is not possible, for as Prime Minister he has got to do many other things. The police will give him the report and it is possible for the police to construe the report in such a manner that they can give trouble to ordinary citizens if they try to organize their trade unions, their kisan sabhas and their ordinary lives for fighting for bread and cloth.

Mr. SPEAKER: Next amendment, Mr. Basu.

Sri JYOTI BASU: Sir, I beg to move that clause 2(7)(*d*) be omitted.

Sir, this is a very dangerous clause as it has been introduced, because if I read it carefully the meaning would be quite clear. It says: "to prejudice the recruiting of, or the attendance of persons for service in, any

police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants or to tamper with the loyalty of such persons". *It is all comprehensive.*

Now this is a clause under which will come anything, for instance, if I may give an example, now about 30 to 50 thousand clerks of the Civil Supplies Department may have to lose their jobs because the Government of our country does not take the responsibility to tell these clerks that it is the job of the Government to provide them with work. It is the Government's business to provide them with work and food, but they do not take that responsibility. The Government on the other hand, takes upon itself the responsibility of telling these 30,000 clerks that they shall have to lose their jobs by a particular date, and when the clerks come and ask how they can live, how they can get work anywhere in Bengal or in India today, they are told that "Government is not a charitable institution. You can go and look for yourself, we don't care for you". Sir, Government is going to pass a legislation like this Bill which is called a "Black Bill" by which they are going to restrict the liberty of the citizens; they are going to take away the last weapon of the workers, that is, strikes. Government will do it but Government will not take the responsibility of feeding them. Therefore if the Civil Supplies Department clerks turn round and say that "on a particular day we shall go on strike for two or three hours" and if we encourage them and sympathise with them, then we may be told that we are tampering with the loyalty of such persons. [Sri J. C. GUPTA: See (*f*).] It is no good Mr. J. C. Gupta referring to (*f*). I shall come to that subsequently. This is not a question of industrial disputes at all, because there is no legislation protecting the workers. Supposing in some factory a worker is maltreated by his officer or he is physically assaulted by his officer, what will happen in that case? The workers have no other redress than to go on strike as a protest. They would be told, here there was no question of industrial disputes and it was illegal and the people were tampering with the loyalty of such persons. Therefore, Government servants specially would find it impossible to make any sort of protest and the Government would have them completely in their grip. If the Government today want slave labour, then alone they can pass this clause, otherwise, as I have suggested, they should, immediately, forthwith delete this clause. It is not necessary at all. It is vicious and the Government know how it will be applied in particular to all Government servants who come within the scope of this particular clause. This has nothing to do with communal harmony, nothing to do with external aggression and nothing to do with goondaism, and therefore if those purposes are to be served I do not see why this clause should remain on the statute book.

Mr. SPEAKER: Next amendment, Sri Jyoti Basu.

Sri JYOTI BASU: I move that clause 2(7)(*e*) be omitted.

Now, this is another one of those clauses under which all people's movements can be suppressed, all legitimate criticism of the Government can be banned. This is one of the most authoritarian clauses that is there in this Bill. It says—mark the wording—"to cause fear or alarm to the public or to any section of the public". Now, what can the interpretation of this be in a court of law. If, for instance, I go out in a huge procession with flags and festoons protesting against the economic policy of the Government or if I demonstrate for better wages, for better housing facilities, for more dearness allowance, then the Government officials might turn round and say, "Well, you are causing thereby fear and alarm amongst the public or amongst a section of the public, that is, some Government people. You are causing them alarm and therefore you come within the purview of this section, section 2(7)(*e*)", and thus I may be imprisoned for five years. This is the purpose of this clause.

Now, the Government may say, "this is not going to happen; we are popular Ministers, why should this happen?". But there again I need not reply to that question because there is no question of popular Ministers. We know that such things have taken place, such interpretations have been put on this clause—to cause fear and alarm. For instance, in Rangpur—that was during the previous Government, the ordinance of Mr. Suhrawardy—with the same provision as this law and under a similar clause—one Sudhir Mukherjee who had delivered a speech publicly criticising the District Magistrate there and saying that his policy was such that——

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: May I rise on a point of order? I accept the deletion of clause 2(7)(*e*). So Mr. Basu need not speak on it any more.

Mr. SPEAKER: In view of the acceptance there is no use speaking on that.

Mr. MD. KHUDA BUKHSH: Mr. Speaker, Sir, my amendment is on the same subject and since the Hon'ble Minister is for the acceptance of the deletion there is no need for me to move my amendment.

Mr. SPEAKER: Amendment No. 18. Mr. Basu

Sri JYOTI BASU: I beg to move that clause 2(7)(*f*) be omitted.

Now, here too, as I have pointed out with reference to a previous amendment, that is, 2(7)(*d*), a similar interpretation would be put Of course, I know that in the Select Committee it has been so framed that any dispute which comes under the Industrial Disputes Act will not come under this particular clause, but the point is that this clause includes the words "to impede, delay or restrict any work or any means of transport or locomotion necessary for the supply or distribution of any essential commodity" What do they mean? They mean that I cannot even under protest, which is my birthright, if I have no other remedy, go on a protest strike. Just as a few days back the Civil Supplies Department clerks went on a strike—a pen-down strike for two hours or three hours. Under this clause you cannot go on a similar strike If there are certain wrongs done by the Government, if for instance, the people are fired upon by the Government police, then the people have no right to go on strike in protest That is what this particular clause purports to do and no right-thinking man, no free citizen can accept this, because we feel that as yet Kisan-Mazdoor *raj* has not been established by the Congress. We are far from that *raj* and therefore even at this stage when at every point, all along the line, everywhere in India we find the Congress leadership compromising with the British as well as with our own rich people, the capitalists, it is quite impossible for us to accept this because hundreds and thousands and millions of people would have to register their protest by political strikes, sympathetic strikes and so on. We remember that when the All-India Postal Workers went on strike and the Government wanted to suppress them by force of arms, the working class of India demonstrated their just anger and indignation by staging a general strike all over India and many lakhs of Indian working class that day demonstrated their solidarity with the striking postal employees. But today it would be impossible to do that if this clause is there because they would be told that their strike does not come under the Industrial Disputes Act. Therefore, Sir, the real purpose of this Bill, as I have been pointing out clause after clause, is something else than what the Government are trying to tell the people to hoodwink them. This sub-clause (*f*) will restrict all strikes by the working class and the working class will have to go on strikes which do not come under the Industrial Disputes Act, because there is no other way out as the Government are compromising at every stage with the rich. They are passing laws whereby Excess Profits Tax has been abolished. They are giving concession to the capitalists, but there is no bill in India which says that the minimum wage of the workers will be such

and such. Under this condition the working class will have to go on strike again and again. Kisans will not be given land; tillers will have no land; *the zamindari system will not be abolished; even if there is some sort of abolition, then compensation will be paid and the ordinary kisan will have to pay the compensation.* Therefore, the kisans also will have to take action in protest, otherwise it will be impossible for them to get anything, just remaining idle. But this clause has been introduced to prevent them from their legitimate activities, either trade unionism or anything else.

Therefore, Sir, this should be deleted, as I have pointed out.

Sri AMAR KRISHNA CHOSH: Sir, I beg to move a short-notice amendment that to sub-clause (7)(a)(ii) of clause 2, the following explanation be added, namely:—

> "Explanation: Acts *bona fide* indicating disapprobation of the policy or measures of the Government with a view to obtain their alteration by lawful means shall not be deemed to be acts which are intended or are likely to endanger the safety or stability of the Province."

Mr. SPEAKER: Those who wish to participate in the discussion may now do so.

Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, I am sorry that I have to intervene in this discussion on the objection put forward by my honourable friend opposite. He objected to the inclusion of the words "any other thing", but he omitted to notice that it is "any other thing essential to the life of the community". I do not see what sinister motive Government could have or what sinister use might be made by Government of this power where Government would be empowered to take steps to ensure that any other thing essential to the life of the community, its supply and organisation might be maintained. In these days of extraordinary difficulties we know from time to time quite a number of things essential to the life of the community become very much endangered and on such things Government have got to take steps and see that those things are maintained. It is therefore a residuary clause which, as a lawyer of profession, my honourable friend opposite ought to know. (Sri JYOTI BASU: Lawyer of education and not of profession.) That is a matter of choice. Therefore that residuary clause might be retained there. If my honourable friend proposes not to recognise this fundamental principle, and is pleased to abjure the honourable profession of law which I attributed to him, I have no objection, but I may point out that it is an essential thing and there could possibly be no reasonable objection to it.

Another thing. Much was made by my honourable friend about clause 2(7)(a)(ii) where he wishes to retain "communal harmony" and "external aggression" within the purview of the clause, but he seems—I do not know whether he is conscious of it—to exempt all manner of attempts at internal sabotage or internal armed rebellion or fifth columnist activities, prevention of which is essential for the stability of the State. I do not know what possible objection he could have to bring in these points under this clause, because this Bill, as has been pointed out by some critics outside—qualified critics outside—intends to provide for checking and stopping crimes at the stage of preparation. And unless you can nip the attempts at the stage of preparation, it is no good your providing for these laws at all. In the ordinary courts of law the criminal would come after he has completed his criminal acts, and there on proof he may be convicted and serve a term of sentence. But, Sir, where the security, safety and stability of the entire State is concerned on which depend the civil liberties of each and every individual citizen, there it is essential that Government should see that preparation of subversive activities with a view to subvert a people's State, a Democratic State, is dealt with effectively. I do not see, Sir, why there

should be such solicitude on the part of my honourable friend in exempting attempts at internal armed rebellion or fifth columnist activities or other sinister things from the purview of this law. What will happen if, as my honourable friend has said, there is an armed invasion? We do not know whether there may be any armed invasion or there may not. We have no hostile intention towards any State, but, Sir, we should see that our State is so prepared that any power daring to attack it may be stemmed, may be effectively dealt with. This is the duty of the Central Government and the entire people of this Union of India will stand by the Central Government. It is the duty of our Provincial Government to see that nothing is allowed to be done on the soil of this Province which will in any way further external aggression or any other thing that would come within the mischief of this Act. I can assure my honourable friend that if at all and when the next war breaks out, those who will join the people's war on the other side of the barricade will be dealt with in a manner—a manner in which we shall try to learn lessons from the historic example of Soviet Russia and from no other country. These laws will be inadequate at that time. In order to provide contingencies that may arise, in order to see that people are not encouraged to go to that extreme limit of jeopardising the safety and stability of the State, we have to provide for nipping them in the bud. That is all this clause seeks to do. I do not know why my friend had not even for a moment mentioned fifth columnist activities, internal armed rebellion or such like things. Was the omission consciously done? Was he innocent of such things taking place in modern times? It is beyond my comprehension.

Another point, Sir. A thing quite harmless in itself today may become very dangerous tomorrow It is absolutely a matter of no concern for a few scraps of steel or iron lying here and there and even railings round the parks. But, Sir, in a time of rioting suddenly these things might be converted into weapons and these things might have to be controlled and dealt with. So if a thing assumes an importance under a certain set of circumstances, then in the light of the altered circumstances Government has to provide for that accordingly. I do not see any reason why my friends should be so anxious to promote strikes in essential services Sir, in essential services, particularly in Government services those who are employed there are comparatively more fortunate than the ordinary people. They find their living out of the revenues of the State; they are paid by the State There are many people who are begging, who are starving, who have suffered the worst in famine; they were striving for the improvement of their standard of living. They are not expected to be unmindful of the average standard of our people and they may not be so foolhardly as to rush into strikes even if the August body with which my friend associates himself gives a call for that I do not see why there is hurry for that. If all people can suffer why some people cannot suffer and have a share in patriotism and national efforts? Sir, much is made about these Civil Supply employees We all feel sorry that people should lose their means of livelihood. Sir, during the years of war many people were enjoying enormous income through blackmarketing—through insidious channels money was going to their pockets. They have been deprived of that means of livelihood In the Central Legislature it was announced that some of these people of their tribe were receiving Rs. 13,000 per month. If they lose that means of livelihood, we are sorry for that. They have got to suffer. I am amazed at this solicitude for strikes. My friends were not the victims of the atrocious police who are today villified by them. The same police were their allies during the war period. We have read all the newspapers, but I did not hear anywhere my honourable friend Mr. Jyoti Basu or his friends ever giving a call for strikes when 50 lakhs of people perished in the streets of Calcutta. Sir, today when it is the nation to be stabbed in the back, all the solicitude comes up well into the heart of my friend for the Civil Supplies employees. We know all these various things are there. I did not intend in any way to be drawn into arguments of this kind. My honourable friend has chosen to

question the *bona fide* of the Government. Dr. Ghosh, the Prime Minister, did give us some fear and alarm by accepting some amendment of my friend. I do not know what are the benefits to be derived therefrom that has led him to do so. I do not propose to emulate my friend in questioning the *bona fides* of tried and well-known leaders. I did not question him, and I did not question the *bona fides* of my friend which is well known and need no comment in this unfortunate land of Bengal. In such circumstances I think it is nothing but a frivolous attempt by him to mislead the House and the public by cheap clap-trap terms. If he thinks that the provisions of this Bill ought to have been worked out in a different manner, if he thinks it is such a heinous thing, a vicious thing, an abominable thing, if he is convinced of the *mala fides* of this Government, then he is free to accept the lead of his honourable leader who is an ex-leader of the Congress Parliamentary party of this House and go before his constituency and seek re-election. We refuse to oblige his tribe and his honourable leader and we refuse to resign. When the Congress thought of resigning, the Congress did resign and go to prison when my friend joned hands with the police against his nation. Sir, today when the same police is under the orders and command of their own people, if criminals have a right to live and earn their living, those unfortunate pitiables who serve the Government as police and earn their miserable existence may be equally granted the same commiseration. It is a wholly degraded people which has to be rebuilt and the country has to be rebuilt anew. I therefore suggest that my friend need not talk frequently about the *bona fides* of others——

Sri JYOTI BASU: About you too!

Sri NIHARENDU DUTT-MAZUMDAR: Yes, that is very well known. I think my friend hardly needs this comment, because we are seeing it from day to day and we see at different times and through these amendments that there has been an attempt somehow to exempt certain types of crime. I do not know what apprehension actuated him to do so and therefore I suggest that all these amendments should be rejected by the House except the one which the Hon'ble the Prime Minister has already announced as having been accepted. I therefore commend all the amendments for the rejection by the House.

(The House was adjourned for fifteen minutes at this stage.)

(After adjournment.)

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: যে সংশোধনী প্রস্তাব আমি গ্রহণ করেছি তা বাদে আর সমস্ত প্রস্তাবের আমি বিরোধিতা করছি। এ বিষয়ে আমার আর বলবার কিছু নাই।

The motion of Sri Jyoti Basu that in clause 2(*1*), line 2, the words "or any other thing" be omitted was then put and a division taken with the following result:—

AYES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

NOES—44.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, the Hon'ble Shri Charu Chandra.
Bhattacharya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Doloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.

Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Murarka, Mr. Basantlal.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Platel, Mr. R. E.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.
Wilks, Mr. G. C. D.

The Ayes being 2, and the Noes 44, the motion was lost.

The motion of Sri Jyoti Basu that the following proviso be added to clause 2(5) namely :—

"Provided that such order shall be endorsed in writing by the Minister-in-charge of the Home Department within seven days of making thereof."

was then put and lost.

The motion of Sri Jyoti Basu that the following proviso be added to clause 2(7)(*a*)(*ii*), namely :—

"Provided that no agitation, movement or political or other activity shall be deemed to have been intended or likely to endanger the safety or the stability of the province unless such agitation, movement or political or other activity endangers communal harmony or encourages external aggression."

was then put and lost

The motion of Sri Jyoti Basu that clause 2(7)(*d*) be omitted was then put and lost.

The motion of Sri Jyoti Basu that clause 2(7)(*e*) be omitted was then put and agreed to

The motion of Sri Jyoti Basu that clause 2(7)(*f*) be omitted was then put and lost

The motion of Sri Amar Krishna Ghosh that to sub-clause (7)(*a*)(*ii*) of clause 2 the following explanation be added namely :—

"Explanation : Acts *bona fide* indicating disapprobation of the policy or measures of the Government with a view to obtain their alteration by lawful means shall not be deemed to be acts which are intended or are likely to endanger the safety or stability of the Province."

was then put and agreed to

The question that clause 2, as amended, do form part of the Bill, was then put and a division taken with the following result : -

AYES—41.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Sri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, the Hon'ble Shri Charu Chandra.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Sri Annada Prosad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.

Murarka, Mr. Basantalal.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.
Wilks, Mr. G. C. D.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 41 and the Noes 2, the motion was carried.

Clause 3.

The question that clause 3 do form part of the Bill, was then put and agreed to.

Clause 4.

Mr. SPEAKER: The amendment of Mr. Jyoti Basu to clause 4 is out of order.

The question that clause 4 do form part of the Bill, was then put and a division taken with the following result:—

AYES—41.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, the Hon'ble Shri Charu Chandra.
Bose, Mr. Satish Chandra.
Chakrabarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Murarka, Mr. Basantlal.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 41 and the Noes 2, the motion was carried

Clause 5.

Mr. SPEAKER: Amendment No. 20 is out of order.

Point of Order.

Sri BIMAL CHANDRA SINHA: On a point of order, Sir.

Mr. Speaker, Sir, we have been noticing that any amendment to the effect that a clause be omitted is ruled by you as out of order. You might remember that when the Calcutta Municipal (Amendment) Bill was before this House, an amendment from the Government side moved by the Hon'ble Minister in charge of the Bill to the effect that a particular clause be deleted from the body of the Bill was ruled by you, Sir, as out of order. At that time I brought to your notice that I have doubts in my mind whether such amendments are in order or out of order. Sir, I beg to refer you to that question at this time, not because I hold any brief from the honourable mover

of the amendment, but because I feel that it is the fundamental right of the members of the House which is encroached upon when such an amendment is ruled out of order. My argument is that if you refer to May, 13th Edition, page 404, you will find that "amendments may be made in every part of the Bill, whether in the clauses, the preamble and the schedules; clauses may be omitted and new clauses and schedules may be added." It has been distinctly laid own by Sir Erskine May that clauses may be omitted, and if clauses may be omitted, I think our right exists that a clause or a sub-clause can be omitted from the body of the Bill. So far as this House is concerned, our amendments are covered by rule 36 subject to rules 53 and 59. Well, there, Sir, it has been laid down that an amendment which has the effect of a negative vote is to be ruled out of order. Now, Sir, I shall try to explain what is the scope of the words "negative vote". If it is interpreted in this way that any amendment which seeks to delete a clause has the effect of a negative vote, then we are landed in a morass of difficulties. So, before trying to interpret the rules themselves I would draw your attention to the regulations issued by you. I would refer you to page 11 of your regulations where you have specified Form 3B giving the details of the forms of amendments and if you refer to the first form of amendment, it has been specifically said by you that we can move an amendment to the effect that such and such clauses be omitted, and by your words I can support the argument which I am producing here.

Then, Sir, what is the meaning of the term "negative vote"? A motion has been made that the Bill be taken into consideration. If you read passages from May, 13th and 14th Editions, then you will find that what is really under consideration of the House is not the sub-parts of the Bill but the second main motion that the Bill be taken into consideration and what would have the effect of a negative vote is not whether a certain clause be deleted or a sub-clause be deleted but whether the main motion that the Bill be taken into consideration is deleted. As regards amendments, May has made clear the objects of an amendment; according to him, the object of an amendment is to improve the language of the Bill, to make it more understandable and to suggest an alternate picture. But how can you realise what is my alternate picture unless you allow my amendments as a whole? Therefore what is really under consideration of the House is not whether every clause and every sub-clause of the Bill should form part of it but the second motion that the Bill be taken into consideration and any amendment which will have a negative effect is the deletion of that main motion and not any amendment which seeks to delete any clause or sub-clause of the Bill. If you refer to the proceedings of the House of Commons you will find that it has been agreed there that every amendment has to be regarded as a motion. If you suggest an alternate picture, that is in a way a limited negation. If you refer to page 385 of May, 14th Edition, you will find there that it is permissible to move an amendment suggesting an alternate picture, and the House has to make a preliminary choice between the picture presented by the original motion and that by the amendment. Now, Sir, in a way the amendment to the original motion may be regarded as having a negative effect by implication, and if that is accepted by way of implication, then every amendment has the effect of a negative vote, and if that be so, all amendments should be ruled out of order, and that becomes an impossible position. If you refer to the proceedings of the House of Commons you will find that every amendment is regarded as a motion. If you take it to its logical conclusion, you will find that the right exists there even to mutilate the main motion through an amendment. When a motion is put like this: "that such and such a clause do form part of the Bill," and when a member moves that all the words after "that" may be deleted from the motion, the original motion stands mutilated. In this connection I can refer you to a number of instances in the House of Commons and of Lords. For instance, on the 19th June, 1882 the House struck out all the words relating to an amendment and the original motion was thus left to

the initial word "that". Sir, I can multiply a number of instances, but I do not wish to do that. If these rights are allowed and if we are to move such multilating amendments then that would also have the effect of a negative vote. I would therefore appeal to you to take the question as a whole and grant us the right to move deletion of a clause because after all the deletion of a clause has not really the effect of a negative vote. But, Sir, if this right is encroached upon, then it would be impossible even to move a consequential amendment. I think that would be a difficult position. In that case it would be impossible for us to improve a Bill if in doing that we have to move consequential amendments.

With these words, Sir, I appeal to you to reconsider your decision and to rule that an amendment to delete a clause is not, in itself, out of order.

Sri BIMAL COMAR GHOSE: Mr. Speaker, Sir, may I say just a few words on the point of order raised by my honourable friend, Mr. Bimal Chandra Sinha. Section 42(*2*) of our Assembly Procedure Rules says that an amendment may not be moved which has merely the effect of a negative vote. If that is interpreted in too technical a manner, you have the authority to rule out even amendments to sub-clauses of Bills; you can do whatever you like under that rule. But, Sir, we must go by the procedure both of this House and elsewhere. Now, Sir, I shall agree that if you were to follow the British practice, you may rule out amendments which propose to omit clauses because in the fourteenth edition of May, on page 539, amendments which are to be treated as out of order are detailed thus:—

(1) if firstly it is inconsistent with the provisions of the Bill which have already been considered by the House;

(2) if its effect would be to negative the Bill; or

(3) it it proposes to leave out the only effective clause of the Bill.

And you may argue, Sir, that since it is leaving out the only effective clause of the Bill, you are, therefore, right in ruling such amendments out of order and that the same rule also applies to committees. Because on pages 522-23 in regard to rule 6, May says: An amendment to leave out a clause is not in order as the proper course is to vote against the clause standing part of the Bill. Consequently it is out of order to propose to leave out any other effective words of the clause or the words upon which the rest of the clause is dependent or to offer any of the amendments which is equivalent to a direct negative of the clause. Now, that also might support the contention to leave such amendments or to rule such amendments as out of order. But as I say, Sir, there is no reason why we should be guided by May or the strict interpretation of rule 42 because if you take the American practice, you will find (*vide* American Laws by Roberts) that amendments to leave out the whole clause are admitted. We have no definite rules either way—whether it shall be accepted or it shall not be accepted. If you go by the British procedure you might be right in holding that such amendments will be out of order. But as I suggested, if you go by the American procedure, there is nothing to debar you from accepting such amendments. The question arises as to what we should do. As I said, if you go by strict interpretation of our Assembly Procedure Rules, you may rule out many other amendments which are amendments to sub-clauses but I submit that we should treat these things very liberally. As has been pointed out by my honourable friend, in the forms which you have sanctioned for giving notice of amendments, No. 1 is that the clause be omitted. You might hold that the intention was to admit only amendments to sub-clauses and not to the whole clause. But if that was the intention, there should have been a definite instruction to that effect but no such definite instruction has been given on the amendment forms. So, it cannot now be argued that this was meant only for amendment to sub-clauses only and not to the whole clause.

I submit, therefore, that you can by accepting the precedents of certain countries rule out such amendments, but, at the same time, there are practices in other countries which show that such amendments may be accepted. Now, it is for you to decide the way in which we should work in this Assembly and, I believe, it would be to the advantage of the proper functioning of our parliamentary work here if such amendments were to be allowed because it will obviate at least one difficulty, viz., that if a Government were to think later on in connection with a Bill to omit a certain clause, then the only way that could be done would be to have that clause defeated in the Assembly because they could not move an amendment to the effect that the clause be omitted. If that cannot be done, the only way to get rid of the clause would be to defeat the clause by a vote in the House which would be a very bad thing. For a Government would have to invite defeats for such technical reasons—later on it may be construed that Government have suffered so many defeats. I do not think Government should be placed in that awkward position. Therefore, I submit that you should accept the suggestion of my honourable friend Mr. Sinha.

Mr. MUDASSIR HOSSAIN: Mr. Speaker, I wish to speak on this point.

Sir, my friends here have objected that the Speaker has any right in disallowing this amendment I think, Sir, he is quite within his right to disallow this amendment because ours is a new State and ours is a new Parliament and in order to regulate the procedure of this Assembly, certain rules have been framed by the Speaker and we must guide ourselves according to the rules which have been thus framed

Sir, we need not look to the authorities, to the precedents which have been cited by my learned friend on the other side, *e.g.*, Mr. Sinha. He has cited examples, precedents and rulings of the House of Commons and Mr. Ghose has cited examples and American precedents. But what does that show? In spite of these precedents, in spite of these rulings, certain rules have been framed by the Hon'ble Speaker and we must be guided and our procedure in this Assembly must be guided by those rules and no others.

Now, Sir, the point before the House is whether the rule is this that an amendment may not be moved which has merely the effect of a negative vote. Mr. Jyoti Basu has proposed to move that clause 5 be omitted. What is the effect of that amendment? The effect of the amendment is a negative vote. If the Hon'ble Speaker puts the question before the House whether this clause should form part of the Bill and he asks for an opinion of the Assembly on this point and a decision is given by the Assembly by certain members saying "Aye" and certain members saying "No" and if the "Noes" be passed, then the amendment is lost. Therefore, Sir, I beg to submit that it is altogether a negative vote. So, my contention is that the Hon'ble Speaker is quite right in disallowing the amendment. Now, the question will be put before the House whether this clause will form part of the Bill or not and if my friend proposes to answer in the negative, he may do so, but that does not matter—this will have the same effect as the amendment.

Mr. SPEAKER: I have heard the point of order and the arguments in its favour and also against it. In this House we have been following the practice that such amendments have been ruled out of order, and with regard to this Bill also I have followed that practice and at present I am not prepared to rule that practice as out of order.

Moreover, I find that we have been following the British precedents and not the American precedents. So far as the British precedents are concerned, at page 522 of May's Parliamentary Practice, 14th Edition, it is clearly stated that an amendment to leave out a clause is not in order. The reference to the 13th Edition refers to a Committee of the whole House and not to the House itself.

At the same time, the point which has been raised by the honourable members in this House is a point of general interest and I would like to go into the precedents and find out what the correct practice should be in such cases.

So far as embarrassment to the Government is concerned, I am not to take note of it unless and until the procedure is justified by the rules or by convention. So far as the present is concerned, I think it is advisable for me to follow the practice which has been consistently followed in this House. So far as the regulation of the Speaker is concerned, it relates to sub-clauses, I understand, but, in any event, I would like to examine the whole position myself with reference to all the authorities. With these words for the time being I rule out the point of order and proceed with the Bill.

The question that clause 5 do form part of the Bill, was then put and a division taken with the following result:—

AYES—41.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, the Hon'ble Shri Charu Chandra.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanailal Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Murarka, Mr. Basantlal.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 41 and the Noes 2, the motion was carried.

Clause 6.

Sri JYOTI BASU: Sir, I move that in clause 6(*1*), line 1, after the words "do any act" the words "in the course of communal riots or for encouraging external aggression" be inserted.

At the very outset I made the point while speaking on this Bill that it has not only violated all canons of justice but it has violated the cherished principle of the Congress for which the Congress fought for the last 40 years. I made out that this Bill has also violated the fundamental rights charter as accepted by the Constituent Assembly, and therefore Dr. Ghosh was quite right when yesterday he pointed out that my amendments to him did not mean much I was opposed to the Bill as such—the Bill from first to last. That is quite correct in a sense, because as I have said it is rather difficult to choose clauses and sub-clauses when I am certainly against the passage of this Bill into law. But even then I had pointed out that to make it as ineffective as possible as far as the people's struggles were concerned I have been moving my amendments, and as such whilst moving this amendment the question may be raised as to why when there is a question of sabotage I raise this point of communal harmony and external aggression. It is because I feel that although it sounds very alarming and dangerous,

the word "sabotage", in fact throughout the whole Bill and especially in this particular clause 2 and its sub-clauses, is related to the same subject-matter and therefore whether it is sabotage, prejudicial act, whatever it is, this amendment should be inserted everywhere. That is, if anybody does any act to further the cause of communal riots or external aggression, then he shall be liable. People would then understand, people would realise that what Government have been saying they will stand up to now when the Bill is being passed Otherwise the three clauses and sub-clauses which have nothing to do with communal riots and external aggression, which have nothing to do in fact with public order but which have rather everything to do with suppression of people's liberties—if Government do not accept my amendment—will lead people to feel that Government is saying one thing but behaving in a quite different manner. Therefore I would urge upon them to accept my amendments as I have placed them before the House.

The motion of Sri Jyoti Basu that in clause 6(*1*), line 1, after the words "do any act" the words "in the course of communal riots or for encouraging external aggression" be inserted, was then put and lost.

(After Mr. Speaker declared twice that "the Noes have it", Sri Jyoti Basu called for a division, which was not allowed.)

Sri JYOTI BASU: On a point of privilege, Sir. I stood up as soon as you uttered "the Noes have it", and I stand on my right.

Mr. SPEAKER: But there was no voice when I first said "the Noes have it".

Sri JYOTI BASU: As it was a single voice of mine you might not have heard it. And my point of privilege again is, is it necessary that you should hear when I say "Yes" or "No"?

Mr. SPEAKER: Yes, it is necessary.

The question that clause 6 do form part of the Bill, was then put and a division called:—

AYES—38.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, the Hon'ble Shri Charu Chandra.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 38 and the Noes 2 the motion was carried.

Clause 7.

Sri JYOTI BASU: Sir, I beg to move that in clause 7(2), in lines 2 and 3, after the words "prejudicial report" the words "which is intended and likely to disturb communal harmony or encourage external aggression" be inserted.

Sir, I have already pointed out that I do not accept the definition of "subversive act" as it has been given here, nor do I accept the question of "prejudicial report" as has been defined in this Bill. And therefore in order again to limit the operation of this particular clause I would suggest that if my amendment is accepted, then it would mean that what the Government say they are carrying out in practice. Otherwise it means here that authors, editors, printers and publishers are made to suffer for anything they write or do. As we all know, Sir, the freedom of authors and editors is one of the most important things in any free country, but unfortunately under the veneer of danger to the country this particular clause is being introduced whereby for writing or doing anything these people may have to suffer. And therefore—Mr. Deputy Speaker, Sir, there is a lot of noise going on and will you kindly control those gentlemen?—as I was saying, if this Government does not want to ride roughshod over the democratic conscience of our country, then it is only logical that my amendment should be accepted and that it should not meet the fate of other amendments because the Prime Minister has so often tried to say in the press that he is certainly not against authors, editors, printers and so on, but, all the same, these people will be subjected to the new tyranny that is being introduced through this Bill. Therefore, I make bold to say here that as a class these people will certainly object to this particular clause; they have felt during so many years now that it is impossible in any country to carry on the work of authors and editors unless they have the completest freedom. But that freedom is being sought to be taken away by this particular clause by this Government which claims to be a popular Government. Therefore, I think that, even though the Hon'ble Minister may not accept this amendment, the outside world would know—I feel it a duty to say so—would realise what is being sought to be done.

Mr. MUDASSIR HOSSAIN: I rise on a point of order. This is irrelevant. What others will think of it is not relevant. The point is whether the amendment should be accepted or not.

Mr. DEPUTY SPEAKER: It is a point of order?

Mr. MUDASSIR HOSSAIN: It is a point of order. I want a ruling on the point.

Mr. DEPUTY SPEAKER: It is no point of order.

Sri JYOTI BASU: Therefore, it is no use just pointing out that by this clause a prejudicial report is being sought to be shut out because prejudicial report may mean anything. Even if you use the word "subversive", it does not make any change, as I have pointed out earlier, because the words "subversive", "prejudicial", "sabotage" do not mean anything in the context of a Bill which in itself is tyrannical and anti-democratic. Therefore, I think that if it is qualified even to a certain extent, it may have certain meaning. Of course, we shall be compelled to say what we have been saying from the very beginning that we doubt the *bona fides* of this Government and the *bona fides* of the people who are seeking to rush through this Bill in this Assembly.

So, in conclusion, I would again urge upon this House to accept my amendment.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: আমি এই সংশোধনী প্রস্তাবের বিরোধিতা করছি ; কোন বক্তৃতা আমি করতে চাই না ।

Mr. ABUL HASHEM: Sir, I rise on a point of privilege. I find that the Hon'ble Chief Minister—the mover of this Bill—when clause by clause is being discussed, is simply rising in his seat and saying, "I simply oppose". I feel that it is the right and privilege of this House that, when a serious question of amendment is raised and when a serious point is made by a gentleman moving an amendment, they should get clear clarification of the point of view of the mover because, Sir, it is not infrequently the case that in a controversy regarding interpretation of a particular Bill or a clause in a court of law, the mover or some responsible person is quoted.

Since the Hon'ble Minister has more than once declared that the main purpose of introducing this Bill is to prevent communal riot and all these things and this particular amendment refers specifically to that point, we expected that he should clarify the point and explain why the amendment is not accepted and how it does not contradict his profession—what he declares in the press so often. I know that he cannot be compelled by law or rule to make any speech, but at least courtesy demands that he should clarify his point and make his position absolutely clear and convince us how even without accepting the amendments the Bill remains confined to the purposes that he so often declares in the press and as stated in the Assembly.

Mr. DEPUTY SPEAKER: The Chair does not object to it. If anybody moves any amendment, and no reply is given by the Hon'ble Minister, I have nothing to do with it.

Mr. ABUL HASHEM: There is no question of amendment. I said it clearly that even by rule or law you cannot compel any member to speak. Still it is the custom of the House and courtesy demands that he should explain his position. Therefore, you can help us in this matter. On our behalf you can request the Hon'ble Minister. The point is serious and affects the fundamental purposes of the Bill. Therefore, we request through you the Hon'ble Premier to clarify the position instead of following the golden principle of silence and simply saying, "I do not accept it".

Mr. DEPUTY SPEAKER: I cannot compel the Chief Minister to say something. If he does not say anything, the Chair is helpless.

Sri NIHARENDU DUTT-MAZUMDAR: I do not know whether the honourable member was present. The same arguments with regard to external aggression and so forth were repeated by the honourable mover of this amendment earlier and they have been replied to and I think the time of the House is precious enough not to be wasted by repetition of arguments and replies. Therefore, I think that the question of privilege which has been raised by the honourable member is without substance and it has been replied to.

Sri JYOTI BASU: The Prime Minister did not reply to any of my amendments.

Mr. DEPUTY SPEAKER: It is not the Chair's business to compel him to say something.

Mr. ABUL HASHEM: I admit the Speaker cannot compel him. All I say is that you kindly request him on our behalf.

The motion of Sri Jyoti Basu that in clause 7(2), in lines 2 and 3, after the words "prejudicial report" the words "which is intended and likely to disturb communal harmony or encourage external aggression" be inserted, was then put and a division taken with the following result:—

AYES—8.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Serajuddin Ahammad, Mr.

NOES—38.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, the Hon'ble Shri Charu Chandra.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Doloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 8 and the Noes 38, the motion was lost.

The question that clause 7 do form part of the Bill, was then put and agreed to

Clause 8.

Sri JYOTI BASU: I move that in clause 8(*1*), lines 3 and 4, after the words "prejudicial report" the words "which is intended and likely to disturb communal peace or encourage external aggression" be inserted.

This particular clause provided for the proscription and so on of certain documents. Now we find that after a lot of noise had been raised in the press and elsewhere, editors and newspapers have been exempted now after the Bill has come up before us from the Select Committee. Of course there was a purpose for this. The purpose was to get the support of newspapers for this Bill But that purpose failed as far as I can see, because most of the papers in Bengal except the "Hindusthan Standard" and "Ananda Bazar Patrika" were against this Bill, and they wrote editorials to that effect. So editors have been left out of the mischief of law and I believe one of the important editors at a particular conference held by the Home Minister exclaimed in alarm, "if somebody writes something from a particular document which is found with me I shall have to undergo five years' rigorous imprisonment This sounds fantastic" After this the editors have been left out, but all the same the poor authors, printers, publishers and so on—they come under this particular clause. I do not see why if editors could have been left out, these authors, printers and so on were not left out, even if those documents were not newspapers. Pamphlets may be published by a particular author. I do not see why he has to undergo all the rigorous of this barbaric law whereas the editors, for fear, have been given the exemption. Now what would this mean? In fact, it would mean that Government through any of its officers can ask any author to deliver a document or any copy thereof to any officer specified in the order. Now it often happens—— (At this stage the blue light was lit) The blue light so soon! After how long has the blue light been lit, Sir?

Mr. DEPUTY SPEAKER: After three minutes.

Sri JYOTI BASU: As I was saying, Sir, it often happens and it has happened with newspapers that hundreds of people give them secret documents containing important news about the working of the different departments of Government, but if the author has to tell the particular officer as to who gave him this document then I do not see how many books,

pamphlets, leaflets and so on can be freely published. It is the right of any citizen, any author, printer or publisher, to publish things which he gets from others as long as these documents do not encourage communal aggression or disharmony. As long as they do not preach the violent overthrow of the Government, he has every right in any civilized country to publish whatever he likes. But unfortunately our Government are playing a different role altogether—I do not know why—and yet they call themselves a popular Government. It is amazing. I know that they are sitting here by the people's votes and I also know that for some time more they will continue to remain on the Treasury benches, but at least they should do some justice to the people who elected them, they should do justice to the election manifesto of the Congress under which they have been elected and in which the freedom of the Press was guaranteed, but today that freedom of authors and publishers which was guaranteed has been taken away. I cannot publish what I write, even though it may not go against the Government. Even if it goes against a particular officer or any individual, my book or my pamphlet may be proscribed, and I may be asked to provide them with a document which I have got from some body who in all good faith might have given it to me. So I suggest that my amendment be accepted.

Sri NIHARENDU DUTT-MAZUMDAR: I think my honourable friend's fears are justified. He might come under the mischief of this law. Not long ago a paper which is run by the organisation which belongs to my friend's party declared "Let Subhas come back to India, he will receive not garlands but bullets." I am certain if that habit is persisted in, then it will definitely come under the mischief of this law and therefore there is justified reason for his apprehension. But, Sir, I am afraid Government cannot oblige him: Government cannot oblige criminals who want that type of liberty and that type of back-stabbing. Government cannot oblige those who have been adopting, as we have witnessed, demoniac practices, and it is for them to decide whether or not they would obstruct by Fascist methods or to act just like my honourable friend who is trying constitutionally to obstruct the passage of this legislation in this House. We join with him in this kind of constitutional obstruction but we raise objection to what seems according to our judgment undue evasion. If licence and liberty is asked for with a view to perpetrate that type of heinous crimes perpetrated with impunity under the British regime by the organisation of my honourable friend, then I am afraid it would be too much for my honourable friend to get away with impunity. So his apprehensions in the light of past experience may be justified, but it is for the Government whether they will oblige him or not.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: আমি এই সংশোধনী প্রস্তাবের বিরোধিতা করছি।

The motion of Sri Jyoti Basu that in clause 8(1), lines 3 and 4, after the words "prejudicial report" the words "which is intended and likely to disturb communal peace or encourage external aggression" be inserted, was then put and a division taken, with the following result:—

AYES—2.

Basu, Mr. Jyoti.	**Brahmin, Mr. Ratanlal.**

NOES—38.

Bandyopadhyay, Mr. Pramatha Nath.	**Bose, Mr. Satish Chandra.**
Banerjee, Shri Susil Kumar.	**Chakravarty, Mr. Satish Chandra.**
Banerji, the Hon'ble Dr. Suresh Chandra.	**Choudhury, the Hon'ble Shri Annada Prosad.**
Barman, the Hon'ble Shri Mohini Mohan.	**Das, Mr. Radha Nath.**
Basu, Mr. Hemanta Kumar.	**Das Gupta, Mr. Khagendra Nath.**
Bhandari, the Hon'ble Shri Charu Chandra.	**Das, Mr. Kanailal.**

De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 2 and the Noes 38, the motion was lost.

Sri AMAR KRISHNA GHOSH: Sir, I beg to move that the explanation to sub-clause (1) of clause 8 be omitted.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I accept the amendment.

The motion of Sri Amar Krishna Ghosh that the explanation to sub-clause (1) of clause 8 be omitted was then put and agreed to.

The question that clause 8, as amended, do form part of the Bill was then put and a division taken with the following result:—

AYES—38.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, The Hon'ble Shri Charu Chandra.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, The Hon'ble Shri Annada Prasad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, The Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Sinha, Mr. Bimal Chandra.

NOES—2.

Brahmin, Mr. Ratanlal.
Basu, Mr. Jyoti.

The Ayes being 38 and the Noes 2, the motion was carried.

Clause 9.

Mr. SPEAKER: Amendment No. 26 is out of order.

Sri AMAR KRISHNA GHOSH: Sir, I beg to move that after clause 9, the following explanation be added, namely:—

> "Explanation: In this Chapter 'document' includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction."

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I accept this amendment.

The motion of Sri Amar Krishna Ghosh that after clause 9, the following explanation be added, namely:—

"Explanation: In this Chapter 'document' includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction."

was then put and a division taken with the following results:—

AYES—39.

Bandyopadhyay, Mr. Pramatha Nath.
Banerji, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, the Hon'ble Shri Charu Chandra.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Sinha, Mr. Bimal Chandra.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 39 and the Noes 2, the motion was carried.

The question that clause 9, as amended, do form part of the Bill, was then put and a division taken with the following result:—

AYES—40.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, the Hon'ble Shri Charu Chandra.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prasad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Shri, Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 40 and the Noes 2, the motion was carried.

Clause 10.

The question that clause 10 do form part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do form part of the Bill was then put and agreed to.

Clause 12.

Sri JYOTI BASU: Sir, I beg to move that the following proviso be added to clause 12, namely:—

"Provided that any person or persons aggrieved by such use of force by any police officer may, by a petition before a Magistrate with first class powers, demand judicial inquiry or otherwise challenge the conduct of the police officer concerned."

Sir, here of course the heading is in this clause—"use of force to stop looting"—and special powers have been given to the police to the extent of causing death. Now this may sound all right as far as it goes, but again the point arises as to who are those policemen: what is the kind of authority to whom I am giving this absolute power even to the causing of death Here again, as I have said previously times without number we cannot have any faith in the police who have not changed since the 15th of August last. I do not know whether the Congress leaders have through their non-violent efforts changed the mental outlook of these policemen. But we find in practice that they have not changed at all and therefore it is a very relevant point that if power has been transferred to the leaders in India, then the whole organisation, as it existed during the British Imperialist times, should have been smashed to pieces and new people put in charge of every department—the personnel of the army, of the police and of the civil services and so on should have been changed outright for otherwise we know that it is impossible for the State to function The State functions through its police, through its officers. If those officers have been trained up in a particular way, then however much I may try to change their hearts, it is not possible and history has shown us that they should be replaced. Therefore wherever a new State has been established after a successful fight against Imperialism and Feudalism, always the rulers of the new State have driven out the old officers and put in new people full of patriotism in their places But we find that our Government has not done so. In point of fact our Government has done the contrary. The very people who had perpetrated violence against the Congress leaders and Congressmen, as such, those are the people like Mr. S. N. Chatterjee, who are being put into power again. Of course, in India they may say things are different because here by our *mantra* of non-violence we shall change their hearts But as far as these people are concerned we find that the hearts of the policemen and of the officials have not changed. Therefore I am unwilling to give them this supreme authority of shooting people.

Mr. Speaker, Sir, I find there is not much time and therefore I conclude with these words that the necessity of this motion is so obvious that Government will be willing to accept it.

Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, this amendment relates to a clause which provides for checking of looting when it is going on. During the last Calcutta riots it has been our experience that often looting had gone on and the ordinary police sentry with firearms had remained standing there without intervening in any manner and looting had continued. One reason has been, it is said, that the police posted on duty there could not fire in order to check looting unless some orders were given by the higher officer. In this particular clause power is being given to the police officers to fire when within their view looting is going on. Then they can stop that looting by any amount of necessary force including, if necessary, taking life by shooting in order to stop

looting which is going on within their view and it would be no justification for a policeman to say, "I stood and watched looting actually in progress but I could not fire because there was no superior officer to pass the order on me". A police officer who may be in sympathy with the miscreants might attack those unfortunate people in order to aid and abet the looters. It is therefore a duty imposed on the police to use necessary force including the utmost force and taking life by shooting in order to stop looting effectively. Sir, from our previous and recent experience we can say that in different parts of Bengal really the police being present there and taking steps have succeeded in stopping looting. The House must also realise that if a police officer in bad faith fires and takes life by shooting or uses lesser force and it is found that he did so when looting was taking place within his view, that police officer will immediately come under the operation of this law and will have to take the penalty for abuse of powers.

Sir, the clause has laid down, when looting is taking place within his view——

Sri JYOTI BASU: On a point of order. Does the honourable member know what he is talking about? He has not read the amendment.

Mr. MD. KHUDA BUKHSH: He has not read the amendment. He does not understand what the amendment aims at.

Sri NIHARENDU DUTT-MAZUMDAR: Mr Speaker, I am afraid the honourable member opposite is getting confused because he finds the grounds shifting from under his feet. Therefore, I may make short work with that remark about his frivolous point of order.

Sir, it is also provided that when shooting or any such use of force has taken place, there will be a judicial enquiry. After that there can be an enquiry to show and prove whether actually looting has taken place or not. If no looting took place, then no use of force would be justified. I, therefore, suggest that if the police is fettered, then looting within his view may go on with impunity and that is what this clause seeks to provide for.

Sri J. C. GUPTA: This amendment would not be necessary because it is well known that if in Calcutta death occurs, there is an enquiry in the Coroner's court and if in the mofussil any death takes place, at once the firing has got to be reported by telegram and a magisterial enquiry takes place under the ordinary law.

The motion of Sri Jyoti Basu that the following proviso be added to clause 12, namely:—

"Provided that any person or persons aggrieved by such use of force by any police officer may, by a petition before a Magistrate with first class powers, demand judicial inquiry or otherwise challenge the conduct of the police officer concerned.",

was then put and a division taken with the following result:—

AYES—9.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Mudassir Hossain, Mr.
Serajuddin Ahammad, Mr.

NOES—39.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, the Hon'ble Shri Charu Chandra.
Bose, Mr. Satish Chandra.

Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Das, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 9 and the Noes 39, the motion was lost.

The question that clause 12 do form part of the Bill was then put and agreed to.

Adjournment.

The House was then adjourned at 7-38 p.m. till 3-45 p.m. on Thursday, the 8th January, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 8th January, 1948, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Shri ISWAR DAS JALAN) in the Chair, 8 Hon'ble Ministers and 55 members.

Oath.

Mr. SPEAKER: Members who desire to take the oath should now take the oath.

The following member then took the oath:—

Dr Bidhan Chandra Roy

Election to Board of Industries.

Mr. SPEAKER: Honourable members are aware that two members are to be elected to the Board of Industries by the West Bengal Legislative Assembly. Accordingly the nominations of Shri Niharendu Dutt-Mazumdar and of Mr Abdur Rahman Siddiqi were duly received and those nominations have been held valid after scrutiny. I declare that Shri Niharendu Dutt-Mazumdar and Mr Abdur Rahman Siddiqi are duly elected to the Board of Industries.

GOVERNMENT BILL.

The West Bengal Special Powers Bill, 1947, as reported by the Select Committee.

Clause 13.

Sri JYOTI BASU: Sir, I beg to move that the following proviso be added to clause 13(1), namely:—

"Provided that no such order shall remain in force for a period exceeding seven days from the time of serving thereof".

Mr. Speaker, there have been occasions in Bengal when due to communal disturbances and riots it was necessary to impose curfew order, but it must be remembered that the common experience of all of us has been that it was mainly either the inactivity or the direct participation of the Police in the riots which culminated in the shackling of our liberties. Had the C. I. D. and the Police acted in a way they usually act in hunting down patriots, trade unionists and so on, they with all their inefficiency would certainly have found out the criminal elements and we would have been spared this shackling of our liberties and the hand of repression. I do not see why people must suffer because of the inactivity, the criminal negligence of the Police. The Government instead of reprimanding the Police and C. I. D. because they failed in their duty is investing them with extraordinary powers. Therefore I suggest in my amendment for a time-limit of seven days after which the order should automatically lapse. If necessary this order can be renewed at will. Otherwise Government would in a very authoritarian way continue to impose curfew orders for as many days as they think necessary, and what they may think necessary, we may not think that to be necessary at all. Of course I have given my amendment,

because I feel that an amendment must be given in order to make this Bill as ineffective as possible. Therefore I suggest that if Government is serious about what it says in the press and the platform, they should accept my amendment and the people should not be told every time that this power to impose curfew or any other thing is necessary, as was found from experience, and so by special legislation the powers shall be incorporated into this Bill. I feel, as I have said and I repeat that once more, that for the sins of the Police, the citizens should not be made to suffer. Mr. Speaker, in this connection of course the Hon'ble Minister who does not think it necessary to reply to any of the amendments as to why he does not accept most of my amendments, may think that I am talking against curfew which was usually imposed in Bengal during riots, but the point is I feel that this Bill is certainly not going to be used in order to curb riots: it will definitely be used to curb working class and kisan movements. That is why I have brought this amendment and I feel that at least we are entitled to have replies from the Chief Minister I do not see why he is so pressed for time. There is not much of an opposition. He might, instead of rushing through this Bill in this manner, give at least some replies to our amendments, because I feel that in this House that has been the practice as was pointed out yesterday by another honourable member. So at least we would know from him as to whether he has revised his opinion now with regard to this Bill or about the purpose of the Bill, because I find reading all the newspapers up-to-date that the statements made by the Minister there and the statements inside the Assembly do not tally at all with what is being done through this particular Bill, and that is why in many of my amendments which deal with this particular subject I state that if they want special power then let that special power be only with a view to maintaining communal harmony and peace and safety and stability of the Province from external aggression But no answer is forthcoming as yet from the Chief Minister. I would suggest that at least he should have the courtesy to give us some answer

Sir, I beg to move that in clause 13(2), line 3, for the word "year" the word "month" be substituted

With regard to this I have not much to say except that, in view of what I have just said as regards clause 13(7), if punishment is going to be given at all, then it should be limited to one month and not extend to one year as has been sought to be done here, because we have also been told that this Act may not be necessary at all after one year So let us at least see within the body of this Bill that this particular purpose is being ratified. On the other hand if we find that punishments are to be given for three or five years, it would mean what I have been saying all along that the Ministers say one thing and do another which seems to be their usual practice now-a-days after the 15th of August.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: দুটি সংশোধনী প্রস্তাব শ্রীযুত জ্যোতি বসু উপস্থিত করেছেন। তিনি তার বক্তৃতার প্রথমেই বলেছেন যে বিলটি যাতে কার্যকরী করতে না পারা যায়, তার জন্যই তিনি এই সমস্ত সংশোধনী প্রস্তাব এনেছেন। কাজেই তার এই দুটি প্রস্তাবেও সেই মহৎ উদ্দেশ্যই রয়েছে। একটি প্রস্তাব দিয়েছেন যাতে ৭ দিনের মধ্যেই নাকচ হয়ে যায়—এটা হচ্ছে ২৯ নম্বর amendment. আর একটা হচ্ছে এক বছরের বদলে এক মাস সাজা - অর্থাৎ অপকর্ম্ম করে শাস্তি এড়িয়ে যাওয়া, যাতে বিলটি কোন রকমে কার্যকরী না হয়। এই দুইটি সংশোধনী প্রস্তাবেরই আমি বিরোধিতা করছি।

The motion of Sri Jyoti Basu that the following proviso be added to clause 13(7), namely :—

> "Provided that no such order shall remain in force for a period exceeding seven days from the time of serving thereof",

was then put and a Division called, with the following result:—

AYES—2.

Basu, Mr. Jyoti.	**Brahmin, Mr. Ratanlal.**

NOES—43.

Bandopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharaya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Miss Bina.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendranath.
Dutt-Mazumar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Mr. Annadaprasad.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendranath.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 2 and Noes 43, the motion was lost.

The motion of Sri Jyoti Basu that in clause 13(2), line 3, for the word "year" the word "month" be substituted, was then put and lost.

The question that clause 13 do form part of the Bill was then put and a division taken with the following result:—

AYES—40.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Miss Bina.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Mr. Annadaprasad.
Mandal, Shri Krishna Prasad.
Mookerjee, the Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 40 and the Noes 2, the motion was agreed to.

Clause 14.

Sri JYOTI BASU: Sir, I beg to move that in claues 14, lines 4 and 5, for the words "of or above the rank of a head constable" the words "in charge for the time being" be substituted.

This, of course, is not a vital amendment. The only point I wish to make out is that this constable—head constable or whoever be in charge of the police station for the time being—should be substituted because otherwise it may mean any constable or anyone above the rank of a head constable. So, that is the only purpose of my amendment.

The motion of Sri Jyoti Basu that in clause 14, lines 4 and 5, for the words "of or above the rank of a head constable" the words "in charge for the time being" be substituted, was then put and lost.

The question that clause 14 do form part of the Bill was then put and agreed to.

Clause 15.

Mr. MD. KHUDA BUKHSH: Sir, I beg to move that in clause 15(*3*), line 2, after the word "force" the words "short of opening fire" be inserted.

Sir, it is surely not the intention of the Government that they would authorise any police officer to use such force even to the extent of shooting to secure compliance of orders made under this section. I, therefore, suggest that we say so in so many words so that there may not be any misapprehension in the minds of the police when they are called upon to effect compliance of these orders. We have seen how ready the police are to open fire. We have seen the police opening fire in the Assembly on the defenceless crowd. For that I think the need for my amendment is obvious and the Hon'ble Home Minister will see the need of it and accept it.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: আমি খোদাবক্স সাহেবের এই সংশোধনী প্রস্তাবের বিরোধিতা করছি। কারণ এই হাউসে আমাদের সামনে পুলিশের নিষ্ক্রিয়তার, সাম্প্রদায়িক দাঙ্গাহাঙ্গামা বন্ধ করার জন্য পুলিশ গুলি করেনি, এ অভিযোগ অনেকে করেছেন; এবং বহুবার বহু লোক একথাও বলেছেন যে পুলিশ দাঁড়িয়ে রয়েছে অথচ কাজ করেনি। আমরা এরকম কথা বলি না যে গুলি করতেই হবে। যদি নিতান্ত প্রয়োজন হয়, সাম্প্রদায়িক শান্তি বজায় রাখিবার জন্য "কোন সময় গুলি করবে না", একথা বলা ত অনুচিত হবে। কাজেই সাম্প্রদায়িক শান্তি বজায় রাখতে হবে এবং তার জন্য যদি প্রয়োজন হয় গুলি করা হবে। তবে প্রয়োজন না হলে গুলি করা হবে না এটা অবশ্য ঠিক। কিন্তু প্রয়োজন হলেও যে গুলি করা হবে না এটা আগে থেকে যদি নির্দেশ করে দেওয়া হয়, তাহ'লে হয়তো ফের একদিন খোদাবক্স সাহেবই বলবেন যে, "আমার উপর জুলুম, অত্যাচার চলেছে-- পুলিশ সেখানে দাঁড়িয়ে ছিল, অথচ গুলি করেনি"। এই অবস্থায় আমাকে বলতে হচ্ছে যে, তখন এর প্রতিবিধান করবারও সময় থাকবে না। কাজেই আমি মনে করি এই প্রস্তাব যা আছে তাই থাকা উচিত। মিঃ খোদাবক্সের সংশোধনী প্রস্তাব অগ্রাহ্য করা হোক। আমি এর বিরোধিতা করছি।

The motion of Mr. Md Khuda Bukhsh that in clause 15(*3*), line 2, after the word "force" the words "short of opening fire" be inserted, was then put and a division taken with the following result:—

AYES—12.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Husan Ara Begum.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Siddique, Dr. Syed.
Serajuddin Ahammad, Mr.

NOES—41.

Bandopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Sayamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Miss Bina.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendranath.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.

Mallick, Mr. Ashutosh.
Mandal, Mr. Annadaprasad.
Mandal, Shri Krishna Prasad.
Mookerjee, the Hon'ble Shri Kalipada.
Naskar, Shri, Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendranath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Jajneswar.
Sinha, Mr. Bimal Chandra.

The Ayes being 12 and the Noes 41, the motion was lost.

The question that clause 15 do form part of the Bill, was then put and agreed to.

Clause 16

Mr. MUDASSIR HOSSAIN: Sir, I beg to move that for clause 16(*1*), the following be substituted, namely:—

"The Provincial Government if after making such enquiry as it thinks fit is satisfied that reasonable ground exists for taking action under this Act with respect to any particular person with a view to prevent him from doing any subversive act may arrest such a person and produce him before Chief Presidency Magistrate, if in Calcutta and District Magistrate outside Calcutta and forward all relevant papers to such Magistrate The Magistrate after examining the papers as also the person and the officer conducting the enquiry may order—"

Sir, may I move all the amendments standing in my name? That will make the meaning clear

Mr. SPEAKER: Yes

Mr. MUDASSIR HOSSAIN: I also move that in clause 16(*1*), for item (*a*), the following be substituted, namely:—

"(*a*) directing that he be detained if in the opinion of the Magistrate such subversive act cannot be otherwise prevented;".

Then, Sir, there is a printing mistake in amendment No 43. It should be "review" and not "renew".

Sri BIMAL CHANDRA SINHA: What about amendment No. 37?

Sri BIMAL COMAR GHOSE: Sir, we cannot follow what amendments he is moving.

Mr. SPEAKER: Mr Mudassir Hossain, will you kindly move all the amendments that you wish to move?

Mr. MUDASSIR HOSSAIN: Yes, Sir. Then I move that in clause 16(*1*), item (*a*) be omitted.

I also move that in clause 16(*1*), for item (*a*), the following be substituted, namely——

Sri BIMAL CHANDRA SINHA: On a point of order, Sir. Amendment No 37 proposes to remove clause 16(*1*), item (*a*). Amendment No. 39 wants to substitute something for item (*a*). Then it should be a new insertion and not substitution. So I would urge upon you, Sir, to rule out either amendment No 37 or amendment No. 39 Both cannot be in order..

Mr. MUDASSIR HOSSAIN: The point which has been raised is out of order (Laughter).

Mr. SPEAKER: So far as amendment No 37 is concerned, it relates to the omission of a part of the clause and not of the entire clause, and therefore it is in order.

Sri BIMAL CHANDRA SINHA: Mr. Speaker, I think I have not been able to make myself clear. The point is that if amendment No. 37 is in order, then the wording of amendment No. 39 should be changed to mean that a new sub-clause should be inserted, and the use of the word "substituted" cannot be made.

Mr. SPEAKER: Both are in order—one directly and the other indirectly.

Mr. MUDASSIR HOSSAIN: Sir, I move that in clause 16(*1*), for item (*a*), the following be substituted, namely:—

> "(*a*) directing that he be detained if in the opinion of the Magistrate such subversive act cannot be otherwise prevented;"

I also move that after clause 16(*6*), the following new sub-clause be added, namely:—

> "(*7*) The High Court may review the orders made under this section and pass such order as it thinks fit."

As I have said, Sir, there is a printing mistake. It should be "review" and not "renew".

Sir, the charge which has been brought against this Bill is that it is empowering the police to detain any person without any crime or without any semblance of a crime. That is going to be an enactment which is most undemocratic, and the world has never seen any such undemocratic Act being enacted by any legislature in any democratic country. Here the Congress Government is now in power and the Congress has always professed that it is the most democratic institution and has even said that the Congress is the heaven of democracy. In such circumstances it seems rather a tragedy, an irony of fate, that our Congress Government is arming itself with the most arbitrary powers.

Sri BIMAL CHANDRA SINHA: It gives less power than your Special Powers Ordinance.

Mr. MUDASSIR HOSSAIN: It is not the Special Powers Ordinance that we are discussing here. You have changed its name; it is the Security Bill which you have introduced and under the name of security you are taking all these drastic powers which the previous Government did not.

What I propose, Sir, is that if the provincial Government, after making such enquiry as it thinks fit, is satisfied that an emergency exists and that the peace and tranquillity of the province cannot be maintained otherwise than by the detention of a certain person, let it arrest the person and produce him before a Presidency or a District Magistrate The Presidency and District Magistrates are all judicial officers who will scrutinise the evidence of the police officer who has recommended for the detention of the person or persons The Presidency or District Magistrate shall examine the person arrested and, if after examining the enquiring officer and the relevant papers, is satisfied that an emergency exists and that the subversive act cannot be prevented otherwise than by the detention of the person, then he can be detained. But if the clause be retained as it is, it will mean that the Act will empower an ordinary police officer to arrest a person and put him in jail for an indefinite period without bringing against him any charge, without allowing a judicial officer to go into the merits of the case by examining the charges brought against him. Therefore, Sir, what I propose is that if the Government is informed that a state of emergency exists and that a certain person is committing an overt act as would lead to the destruction of peace and tranquillity of the province, then the Government ought to have an enquiry made by a responsible officer, and if after making an enquiry Government is satisfied that it is necessary to arrest and detain such a person, Government can at once arrest and produce him before a Presidency or a District Magistrate who is its own officer, and he will scrutinise and examine all the relevant papers as also take the

evidence of the accused person and if after examination he comes to the conclusion that it is necessary in the interest of the State, for the preservation of its peace and tranquillity and harmony, to detain him, he may make such an order. In order further to safeguard the liberty of the subject, I have provided that that order may be reviewed by the Hon'ble the High Court. Sir, it is a well known fact that the independence and liberty of a State is not worth purchasing unless you have an independent judiciary and an independent High Court in which the people of the State may have confidence. I pray therefore that the Hon'ble the Prime Minister who is a great Congress man and a leader of the Congress will be pleased to accept my proposal, for the provision which you have made in the Bill is subversive of all liberty of the people. It destroys the civil liberty, and it is the main clause which is most objectionable. Sir, while I propose to let it remain on the statute book, I create by my amendments some safeguards and I appeal to my Prime Minister to calmly consider what he thinks of them. Will he arm a police officer to arrest any person and after ordering his detention forward the relevant papers? You have got your judiciary to see whether a person should be imprisoned. So that is not proper.

With these words, Sir, I commend my motions to the acceptance of the House, and I hope the Hon'ble the Prime Minister will kindly see his way to accept them.

Mr. SPEAKER: Mr. Khuda Bukhsh, you can move all your amendments.

Mr. MD. KHUDA BUKHSH: Sir, I think it will not be necessary to do so, for if the amendments of Mr. Mudassir Hossain fall through, it will be necessary for me to move my amendments. I do not know whether Government will now reply to Mr. Mudassir Hossain's speech.

Mr. SPEAKER: No. It is better for you to move your amendments.

Mr. MD. KHUDA BUKHSH: Sir, I move that in clause 16(*1*), line 1, for the words "the Provincial Government" the words "the Minister-in-charge of the Home Department" be substituted.

Sir, I beg to move further that the following proviso be added to clause 16(*1*)(*c*), namely:—

"Provided that the Provincial Government shall defray all expenses incurred in connection with the compliance of this sub-section."

Also, I beg to move that in clause 16(*1*)(*c*), line 4, after the words "communication with other persons" the words "except those that are deemed to be privileged communications" be inserted.

Sir, the Provincial Government is one thing and the Hon'ble the Home Minister is another. What we are willing to trust the Hon'ble Home Minister with, we feel we cannot trust the Provincial Government with. Here, Sir, our party would insist that the Hon'ble Home Minister should be personally satisfied before an order under section 16 issues. Sir, this is the section that causes the most misgiving in public mind and I have cited before in this House that there had been occasions when powers under this section or similar powers under the Ordinance that is now in force have been abused in my district where innocent Muslims have been detained and that after three days or probably earlier when representations were made to the Hon'ble Home Minister they were set at liberty. That proves my contention that at least the Hon'ble Prime Minister is more responsible in seeing that the orders under section 16 are not abused than officers and the executive that he has under him.

Sir, it has almost become proverbial that immediately before the Budget Session there is a crop of arrests under similar sections of the law. We are all afraid that now that we have won independence we do not want that the police and the department that is known as "Special Branch" or "Intelligence Branch" should behave in a manner that they used to do

under the British rule. We want an assurance from the Hon'ble Prime Minister that not only he will accept this amendment proposed by me but that in all these cases he will personally satisfy himself before an order under all the provisions of section 16 issues from the Government.

Sir, section 16(*1*)(*c*) provides that a person on whom an order has been served under this section may be required to reside or remain in such place or within such area in West Bengal as may be specified in the order and if he is not already there to proceed to that place or area within such time as may be specified in the order. Sir, this is the sub-clause that causes the most apprehension. This entire clause strikes at the very root of personal liberty and freedom, but when we are willing to arm Government with powers to detain under exceptional circumstances we also want that provisions should be made that will cause least hardship to the detainees. Sir, here the Government when making such an order has not specified whether Government would be willing to defray all the expenses that would be incurred in connection with the compliance of this order. Even the British Government used to pay compensation and used to defray all expenses occasioned in connection with orders served upon persons under similar ordinances and similar special powers. Here we also want that the Government should make a categorical statement that it would also defray all expenses incurred in connection with orders made under this section. I hope it is not too much to ask a Congress Government that it would oblige a person detained away from home to find his own expenses in connection with his stay there during his externment.

Sir, about communication, it is so obvious that I need not make any speech about this because I think a privileged communication has also been deemed as a privilege and here we want to make this explicit provision that privileged communications do not come within the mischief of this section.

With these words I commend all my motions to the acceptance of the House.

Mr. SPEAKER: Mr. Jyoti Basu, you move all your amendments together.

Sri JYOTI BASU: Then I will require more time than five minutes. I move that in clause 16(*1*), line 5, after the words "doing any subversive act" the words "which is likely to undermine communal harmony or encourage external aggression" be inserted.

I move that in clause 16(*1*), item (*a*) be omitted.

I move that in clause 16(*6*), line 4, for the word "years" the word "months" be substituted

Mr. Speaker, by this clause 16 the Government takes upon itself the role of Prosecutor, Judge and Jury No citizen can relinquish his sacred and basic right to defend himself in a court of law, specially when accused of a heinous crime, the crime of going against his country and his people. A popular Government worth the name need not fear public trial. What has it got to hide from the people I do not see. We must be eternally vigilant and we refuse to mortgage our life and liberty to a Sub-Inspector or even to the Prime Minister. An honourable member before me said if the Home Minister signs something for the detention without trial, then it may be possible for some of us to submit to that order, but I say no citizen in this country shall ever mortgage his liberty to be tried in a court of law, and since what are reasonable grounds have not as yet been defined by the Government, by the Prime Minister, by anybody, I take it what may be reasonable to the Prime Minister may not be reasonable to me and to the other ordinary citizens and since open facist dictatorship has not been established with the abolition of courts of law, Dr. Ghosh and his Ministers and Sub-Inspectors have no business to restrict our movements or our rights according to their own fancy.

It is indeed amazing that gentlemen in the Congress leadership who within three months have violated every democratic principle, have repudiated all their past, have shown themselves the most ardent and of course ascetic defenders of property in the name of poverty, have given up the programme of nationalisation and abolition of zemindary, have in a word turned their back on the common people and have thereby perpetrated the most subversive acts themselves, these gentlemen——

Mr. MUDASSIR HOSSAIN: On a point of order, Sir. Mr. Basu is talking of poverty and liberty and some other things, but that is not relevant to the amendment. I say that he is out of order and I want a decision

Mr. SPEAKER: Yes, Mr Basu.

Sri JYOTI BASU: As I was saying, these gentlemen who themselves perpetrated subversive acts by not acting up to the traditions of the Congress and to what they promised to the people when they were elected, it is very curious indeed that they today should sit in judgment on the Kisans, on the workers and on the common people, who wish to move forward for a truly free and democratic State in West Bengal. Hence I have given this amendment in order to limit its purpose for the preservation of communal harmony and for preserving the State from external aggression. Detention without trial has been one of the most vicious methods by which the British Government wanted to stem the revolutionary advance of the people. But in the case of an alien Government as the British one can understand that they have to rule from very far away without the sympathy of the people They have to rule by fraud and force and that is what they did But it passes our comprehension that a so-called popular Government should have to resort to the same method of rule and pay the greatest compliment to the Andersons and his like On merits the Congress was against this detention without trial—not merely because the British introduced this kind of justice or injustice as I should say, but no sooner did the Congress leaders become Ministers than they themselves have detained without trial Brookebond workers, Deb Nath Das of Azad Hind Fouz, Satya Gupta, Soumendra Tagore, Zuberi, Dwarakesh Mitra and a host of others This list is self-explanatory They were not goondas We do not know why they have been arrested If these gentlemen did any act against the State they could have been produced before an open court and a public trial held if it is such a popular Government as they want to make out. I know that ours is an infant state but infantlike explanation does not help anybody, and therefore I suggest that my amendments should be accepted. That is, powers should be used for the preservation of communal harmony and for preserving the State against external aggression and detention without trial should go, and of course the punishment must be much less than what has been provided for That is why I have made these suggestions and I want to have a reply from the Hon'ble Minister to this particular clause and the sub-clauses which go to restrict the liberty of subjects.

Sri BIMAL CHANDRA SINHA: Mr Speaker, may I rise to speak a few words on the motions moved by the honourable members opposite? I rise to oppose the motions moved by the honourable members opposite not because I do not appreciate some of the points made out by the honourable members, but because the points that they made out are wholly irrelevant in this context

I will first try to deal with the amendment moved by Mr. Mudassir Hossain. His amendment No 34 is clearly self-contradictory in this sense that he wants that after detention without trial a fresh mind should be applied by the Judicial officer if possible and the highest court of judicature if possible to examine whether such detention is necessary. But if he

goes through section 16 of the Bill, he will find that section 16 wants to prevent those acts which have not been actually committed. It is more or less in the nature of prevention even before acts are actually committed.

Mr. MUDASSIR HOSSAIN: You have not understood my point.

Sri BIMAL CHANDRA SINHA: As you know, Sir, there are two types of remedy—one curative and the other preventive. The curative remedy is in the other sections, but so far as this section is concerned it tries to prevent crimes before they are actually committed. If that be so, amendment No. 34 moved by Mr. Mudassir Hossain does not clearly give us a remedy. He says that when some act has been committed, Government should forward the report on that act to the Magistrate and then the Magistrate should examine the whole matter and pass such and such order. If that be so, the very purpose of section 16 will be frustrated. Then, Sir, he has also mentioned that if the Magistrate passes such an order, that order can be reviewed by the Hon'ble High Court, the highest judicature of the land. Well, Sir, then that becomes a judicial proceeding, and the purpose of detention without trial is completely frustrated. It is, Sir, almost an irony of fate to hear members of the Muslim League party waxing eloquent over the virtues of freedom which a few days before they used to condemn in no uncertain terms, but I might tell you, Sir,——

Mr. MUDASSIR HOSSAIN: This is out of order. He has no business to speak about the League or the Congress It is provocative.

Sri BIMAL CHANDRA SINHA: Mr. Speaker, I understand the honourable member belongs to the League party Mr. Speaker, I might continue

As I was saying, Sir, the very purpose of this Bill is to provide for safety and stability of the State I might say that much passion has been roused on both sides of the House, but if we search our hearts we shall find that we are really working at cross purposes One point should be made clear while discussions take place on this Bill, namely, whether we are or we are not loyal in our allegiance to our State If that be so, Sir, then I think there is no difference amongst us, members on this side and members opposite——

Mr. MUDASSIR HOSSAIN: I rise on a point of order, Sir. Why should he question the right of any person? It is not his business to question loyalty. We have already sworn allegiance to the Constitution. Why should he say loyalty or disloyalty?

Sri J. C. GUPTA: We have not understood Mr. Mudassir Hossain's point

Sri BIMAL CHANDRA SINHA: Sir, I do not mind his interruptions. My point is that if we are agreed that there are people who do not owe allegiance to the State and are likely to try to overthrow it, then there should be no mercy for those who are about to commit such subversive acts. If we are agreed on that point then the only point of difference will be if there is any *bona fide* mistake on the part of the administration or if the head of the administration is hoodwinked into committing wrong acts by his subordinate officers we shall have to provide safeguards in this Bill, so that such cases may not occur. The question for us will be how we can best provide for such contingencies. I think, Sir, we shall have no difference on this point also, but I can assure from this side of the House that the party of which we have the honour to be common soldiers has fought from long, for years and years, for the liberties of the people more than any other party in India has done.

Mr. MUDASSIR HOSSAIN: I rise on a point of order. We also have fought. We have made this clear.

Mr. SPEAKER: Order, order.

Sri BIMAL CHANDRA SINHA: Sir, nothing has been made clear. In spite of the protest of my friend opposite I do not yield to anyone in my assertion that the party to which I have the honour to belong has fought more than any other party in this country at least for the liberties, rights, fundamental rights of the people, and I can assure the House also that the Congress has been and will always be as it is even now—as you will presently see—conscious that detention without trial is the most obnoxious measure that can possibly be envisaged. Even having regard to that point of view we might say that we must not hesitate to take action against those who are out to destroy the very basis of our State by subversive acts and to launch this country into chaos and confusion. If that be so, Sir, the only question, as I have said, is how can we provide for prevention of *bona fide* mistakes or mistakes which have been deliberately committed by subordinates and not appreciated by the head of the department who has after all to depend on his subordinates to some extent. The remedy provided in these amendments is no remedy at all. The remedy would be to have a proper machinery to assess at the proper moment whether such *bona fide* mistakes have been committed. These amendments provide for no such remedy. I would urge upon Government and my leader that such machinery might be provided in the Act, so that *bona fide* mistakes will be guarded against, but that does not mean that the executive should be paralysed from taking action by putting all sorts of obstacles in the way of taking prompt action when such prompt action alone can save the State from the dangers which it may possibly face during its infancy.

With these words, Sir, I oppose the amendments moved by the honourable members opposite.

Sri J. C. GUPTA: Mr Speaker, Sir, detention of persons without trial and restriction of movements are naturally disliked and resisted by all lovers of civil liberty. In Bengal, particularly in the past, the powers have been indiscriminately used against fighters for national freedom and to crush national aspirations. Therefore it is easy to understand the resentment against the provision for detention or depriving a person of his civil liberty, but at the same time it cannot be denied that in the interest of the State individual liberty has to be subordinated. We are living within a State, and we have to give up much of our individual liberty if we want to run a civilised State. The question to be considered today is whether the interest of the State, the safety of the province and the stability of the province require a provision like this.

Sir, we are painfully conscious that due to the division of India and the division of our province complications have arisen, and due to the artificial boundary and to the, if I may say so, the artificial Radcliffe Award between the two States there are many reasons for which one has got to be sincerely anxious about the security of the State. I think nobody will deny that one cannot be over-careful about the safety of the province or ever watchful about the stability of the province. Then again, Sir, this riot-torn province has had such phases of communal disturbances that no reasonable man will deny that to prevent the recrudescence of these things the State has got to be armed with certain powers which will prevent such disturbances in future and that the State is entitled to have that power.

Sir, I will again ask this House to consider what changes have come in after the 15th of August. Government is not in the hands of aliens: it is your own Government: the people who are being armed with powers are the people whom you can keep in their seats or remove from their seats. We have got to consider it. They are dependent upon the votes of the

House. We have not got an irremovable Ministry, and the Constitution enables you to remove them. If my friends on the other side think that they only have got the monopoly of safeguarding civil liberty, then it may be theoretical, but, Sir, I may tell them that this side of the House yield to none in their anxiety to safeguard civil liberty and individual liberty. Therefore the moment the Ministry will abuse the power they will do so at the peril of their own position, and, Sir, that is the safeguard. There are other safeguards which have also been provided and the House will come to know that this side of the House, ever watchful and ever anxious to safeguard civil liberty, are proposing provisions which will assure everybody that this Government of the people intends to have these powers only to exercise them for the safety and stability of the province, for preventing communal disturbances, for preventing free activities of the goondas and for preventing illegal use of arms and ammunitions for the destruction of the society. We have limited these powers to these four essential things which nobody can deny that Government ought to do. We have substituted the words "public order" and "maintenance of peace" to "safety or stability of the province". We have limited the operation of the powers of the Government to those particular things, and I hope all of us who are sincerely anxious to see that this province can prosper, will agree with us that this province should not revert to any communal disturbance, the safety of the province should not be in danger, and the illegal use of arms and the activities of the goondas should be checked For these four matters no one should grudge to arm the Government with abundant power Sir, I have already mentioned the safeguard and there are safeguards provided also without which such a provision should not find a place in the Statute Book. But I only wish that our province will return to normal conditions when it will be possible for the Ministry not to apply any of the provisions With that view, instead of having the Act enforced all over the province all at once, we have provided that though the powers are given those powers will not extend to the whole of the province or any part of the province until a notification is made by the Government defining the necessity for doing so We have also provided that by notification the application of the Act can be withdrawn at an earlier stage either from the whole province or from a part of the province. All these safeguards are there, and so I want all sides of the House to support the provisions that have been made by joining with us and by doing that they will strike terror into the hearts of the people against whom the Bill is aimed I can assure the House—they have seen the amendments that have been carried that any legitimate criticism of the Ministry and trying to remove the Ministry by lawful means will not be considered a subversive act. (Sri JYOTI BASU That was there in the Constitution Act.) That was not there That was brought in by an amendment. With all these safeguards no agitators against the Ministry, no agitators working for the interest of the people are intended to be brought within the mischief of this provision, but if any agitator or if any person tries by use of force either to threaten a community or a section of the public or to proceed in a way that the Government may not be carried on, then certainly those powers will be exercised. Let them beware, let them think beforehand that by use of force they will not be able to impose their will upon anybody But if they do not intend to do that they need not be afraid of it. The Home Minister has given that assurance in various public meetings (Mr JYOTI BASU: What about the Brooke Bond strike?) and on the floor of this House, and I dare say that having regard to the conditions of the country and having regard to the limited objects and the safeguards provided, the powers that are necessary we are arming the Government with and we only hope with the co-operation of all sections, particularly of the Communists and others, we shall be devoid of any trouble in this province and they will help the Home Minister in not applying the provisions to any party, any person or any part of the province.

Sir, with these words I oppose the amendment.

Sri AMAR KRISHNA GHOSE: Sir, with your permission I beg to move a short-notice amendment that in clause 16, after sub-clause (*1*), the following sub-clause be inserted, namely:—

> "(*2*) Where an order is made under sub-section (*1*) directing any person to be detained, the Provincial Government may, if it so thinks fit, grant to such person, in accordance with such rules as it may make in this behalf, such allowance or expenses as it may deem appropriate."

(The House was then adjourned for 15 minutes.)

(After adjournment.)

Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, in dealing with clause 16 of this Bill, it would be worthwhile for us to consider the circumstances in which this Bill has been introduced by the present day Government.

Sir, in every State in peaceful times in the relationship of citizens as between themselves and in relation to the daily conduct of business and work of the State and of citizens in mutual relationship, it is the established principle in every country that no one shall be deprived of his liberty except in accordance with law and the ordinary laws of the land in every country ensure freedom for the citizens—freedom to the extent even of committing crimes. There is no bar, if one so chooses, to commit a crime—only he does so at his own peril. He is free to commit a crime, but when that crime has been committed, he has been apprehended and tried and he shall suffer the consequences for his action. Sir, there the ordinary law does not prevent a man even from committing a crime. He has got unrestricted freedom so far as that goes. But, Sir, when, on the other hand, we see that the very foundation of individual liberty is at stake, when the very foundation of individual liberty is challenged through jeopardising the stability of the State, there different laws operate. We see States go to war against each other. Where States go to war against each other at terrible consequences to humanity and suffering in either State among the belligerents, that is done from the point of view of a State to safeguard and defend its stability and liberty which is the foundation of individual liberty of the citizens. We have seen from the recent experience that States at war are perforce obliged to restrict individual liberty to the extent of universal regimentation. We heard the slogan very often about total war and total mobilisation. What, after all, was total war and total mobilisation? It was the total regimentation of the entire man-power of a nation—it was subjecting of individual citizens to subordinate their individual liberty and freedom of choice to the superior needs of the State at war.

Mr. MUDASSIR HOSSAIN: I rise on a point of order. He is speaking irrelevantly. It has got no concern with the amendment in question. He is speaking, lecturing and giving sermons.

Mr. SPEAKER: Order, order.

Dr. BIDHAN CHANDRA ROY: May we transfer him to the Speaker's chair for a while!

Sri NIHARENDU DUTT-MAZUMDAR: I do not grudge, Sir, the occasion for interruption by my friend because he is a precious and valued honourable member of this House who offers us occasional delectation in the arduous task of law-making.

To pursue the point, I suggest that it is in that view of things that when extraordinary circumstances arise, the normal liberties are often put in the cold storage. Sir, I remember, years ago a delegation of international visitors, who went about visiting the state of affairs in Russia, had an interview with M. Stalin and the question was put to M. Stalin, the

renowned Leader of that great country to which, I hope, some of the most vocal members of the Opposition, at least, owe allegiance—if not pay their obeisance—"Is there freedom in Russia" and M. Stalin put a counter-question "Freedom for whom"? Freedom for crooks, cranks and enemies of the State does not exist in Russia, but freedom for every law-abiding citizen to build up the new State of Soviet Union is certainly there in unbounded measure but, on the contrary, the State and the people have the freedom to liquidate the enemies of the State. Sir, I need not dilate further on the series of liquidations which have taken place in that great country—liquidation of the Kulaks, liquidation of many other elements, liquidation of the enemies of the State and liquidation even of a few members who pretended to be more correct leaders of that State whom Lenin had branded as suffering from the infantile disorders of Leftism. (Interruption by Sri Jyoti Basu.) I hope, my friend being conversant will correct me and I shall be open to those corrections and here in this connection I shall have to offer a bit of correction to my friend who gets up too often with his stock-in-trade about fascism, humbug, bunkum, balderdash and what not, as if they are his sole stock-in-trade.

Sir, as I have pointed out, in peace everyone is free to commit a crime. It does not matter A person commits a crime against a fellow citizen, a person commits a minor crime against the State and after the crime has been committed, after it has been completed both through the completion of the two ingredients of a legal offence which in legal terminology—as my friend should very well know are *mens rea actus rea*, only then and then alone law comes into operation. Perhaps an exception is made in the case of the law of treason where intention comes within the clutches of law.

For in no other item intention or even preparation comes under the clutches of law The State tolerates that. The State gives that freedom to the ordinary criminal even to commit crime only if he is ready to pay the price afterwards But, Sir, where the very stability and security of the State is concerned, particularly in circumstances in which the new State of the Indian Union with all its Provincial Governments has been born in a new Asia,—we are conscious of the surrounding dangers, both external and internal—there the freedom of the State to curb the enemies of the State at a stage of preparation of the supreme crimes against the liberty of the entire nation has got to be honoured and respected. Sir, this Bill proposes to introduce that little lacuna which exists in the ordinary course of law in ordinary circumstances. This Bill provides for measures for the checking and arresting of crimes at the stage of preparation. Crimes at the stage of preparation stage if not checked and allowed to be matured would go beyond any redress. They would repeat the old history where the nation for centuries might again suffer the deprivation of liberty. Sir, there would be no question of a trial, there would be no question of ordinary process of law. Laws, civil liberty and liberty of citizens will be thrown to the winds and there will be again the despicable state of affairs which has existed in this country when it has remained until recently under the occupation of an alien power which ravaged, which spoliated this land and has reduced it to this state of affairs when in the finishing and closing chapter we find 50 lakhs of people perished for want of food, and after they had perished, food had been thrown away from the granaries branded as unfit for human consumption. Is it that type of liberty we wish to ensure —the liberty to die, the liberty to perish? If an Indian has got any liberty today, the fundamental safeguard of that liberty is the Indian Union which has been built up at the cost of the martyrs' lives through ages and through generations. Sir, last but not the least has been the shedding of lives, sacrifice of lives of the martyrs during the days of 1942 to 1945. Would it be too much to remind again what was the rule during those days of struggle for liberty of the most vocal members of the opposition who had been very aptly termed by the Hon'ble the Leader of the House as democratic exponents of a totalitarian party who are today here

masquarading as the exponents of democracy and freedom? We saw their freedom in action on the 8th, 9th and 10th of December (MR. MUDASSIR HOSSAIN: On a point of order, Sir. He has no right to attack us.) Sir, I do not know whom the cap fits in so well, but perhaps my friend unnecessarily takes it upon himself. As I was saying, Sir, we saw democracy in action on the 8th, 9th and 10th of December when the custodians of democracy in the form of representatives of the people were obstructed even from coming into this House. Sir, that is not the freedom which a State is called upon to guarantee. This law provides under extreme circumstances of difficulty—difficulty for the State which, if not checked, will endanger the liberty and freedom of the entire nation. This law is being branded as a fascistic measure. This law is being branded as an oppressive measure. Now the very provisions of the Bill give the lie direct to this sort of misleading and malicious propaganda against this Bill. After this House has passed this Bill, and after the Bill has received the Governor's consent and has become an Act, even then the Bill is not in operation—not a single person can be touched under this Bill. Even after that a situation has to arise and that situation will be known to all. Government will have to notify that in a certain area or in larger areas in the Province this Bill comes into operation—and not the whole of the Bill, may be parts of the Bill. And even after that if there are people who do not take heed to go about in a manner that their actions and conduct would be likely or would be intended to jeopardise the stability, security and safety of the State and the freedom of our nation through the encouragement of fifth columnist activities, then and then alone such political criminals come under the clutches of this law, whose liberty has to be taken away from them, so that the liberty of millions of men and children of the soil may be safeguarded. Sir, it is a Bill making provision for that state of things. It is nothing but malicious and unscrupulous propaganda of the erstwhile criminals who might now be shaking and trembling in their boots, because of the avalanche that will be coming upon them if they do not abjure their old habits, if they perpetrate and repeat the political crimes under the slogan of "people's war"—a crime, be it emphatically noted, for which the infamous John Amery had to be hanged by the neck on the free soil of England. The new free State of the Indian Union today may emulate the Englishmen if not in anything else at least in their method of defending the liberty of their country which was under incessant bombing and incessant attack by proving before the world that traitors are not free and fit to tread on its own soil, they are fit to be hanged by the rope until dead. That is, those whose hearts may be polluted with crimes of the past, whose habits may not have abjured the crimes of that type may tremble on the very introduction of a Bill of this kind, just as a criminal trembles at the sight of policemen standing nearby. Sir, it is the very attitude to this Bill, it is the manner of criticism against this Bill that betrays various factors which are of greater interest than a momentary passing phenomenon. I need not dilate on this point more. I have only to say this that the Congress which, as has been aptly said, has won liberty for the people, liberty for the State at an enormous cost to themselves, enormous cost to the lives of the martyrs through ages, knows what it means to deprive a person of his liberty. And today the powers which we are giving are not powers given to Maxwells and Porters who were alien but powers to our Ministers who are removable.

Sir, I would conclude by saying only this that in making use of these powers I endorse the views expressed by my honourable friend Mr. Bimal Chandra Sinha, and I fully associate myself with him. I urge upon Government to trust the supreme men in the administration of Justice, to trust the High Court Judges and to entrust them with the function of finally deciding after a period of initial trial as to whether a man deprived of his liberty under provisions of this law shall continue to be so deprived, and therefore a provision may be incorporated for referring the case to the High Court.

The motion of Mr. Mudassir Hossain that for clause 16(*1*), the following be substituted, namely:—

'The Provincial Government if after making such enquiry as it thinks fit is satisfied that reasonable ground exists for taking action under this Act with respect to any particular person with a view to prevent him from doing any subversive act may arrest such a person and produce him before the Chief Presidency Magistrate, if in Calcutta, and District Magistrate outside Calcutta and forward all relevant papers to such Magistrate. The Magistrate after examining the papers as also the person and the officer conducting the enquiry may order....." was then put and lost.

The motion of Mr. Muhammad Khuda Buksh that in clause 16(*1*), line 1, for the words 'the Provincial Government", the words "the Minister in charge of the Home Department" be substituted, was then put and lost.

The motion of Mr. Jyoti Basu that in clause 16(*1*), line 5, after the words "doing any subversive act", the words "which is likely to undermine communal harmony or encourage external aggression" be inserted, was then put and a division taken with te following result:—

AYES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

NOES—45.

Bandyopadhyay, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanail Lal.
Dolui, Mr. Harendranath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Mr. Annadaprasad.
Mandal, Shri Krishna Prasad.
Mookerji, the Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendranath.
Pentony, Mr. L. R.
Platel, Mr. R. E.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 2 and the Noes 45, the motion was lost.

The motion of Mr Mudassir Hossain that in clause 16(*1*), item (*a*) be omitted was then put and a division taken with the following result:—

AYES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

NOES—42.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.

Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Mr. Annadaprasad.
Mandal, Shri Krishna Prasad.
Mookerjee, the Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Platel, Mr. R. E.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Jajneswar.
Sinha, Mr. Bimal Chandra.

The Ayes being 2 and the Noes 42, the motion was lost.

Mr. SPEAKER: The amendment of Mr Mudassir Hossain has been finished. Mr. Jyoti Basu has also a similar motion. Two motions on the same subject cannot be put.

Motion No 39 falls through

Mr. MD. KHUDA BUKHSH: Mr Speaker, in view of the official amendment moved by Sri A K Ghosh that the following sub-clause be inserted, namely :—

> "Where an order is made under sub-section (*1*) directing any person to be detained, the Provincial Government may, if it so thinks fit, grant to such person, in accordance with such rules as it may make in this behalf, such allowance or expenses as it may deem appropriate",

I beg to withdraw my amendment.

The motion of Mr. Muhammed Khuda Bukhsh that the following proviso be added to clause 16(*1*)(*e*), namely :—

> "Provided that the Provincial Government shall defray all expenses incurred in connection with the compliance of this sub-section".

was then by leave of the House withdrawn.

The motion of Mr. Muhammed Khuda Bukhsh that in clause 16(*1*)(*e*), line 4, after the words "communication with other persons" the words "except those that are deemed to be privileged communications" be inserted, was then put and lost

The motion of Mr Jyoti Basu that in clause 16(*6*), line 4, for the word "years" the word "months" be substituted, was then put and lost

The motion of Mr Mudassir Hossain that after clause 16(*6*), the following new sub-clause be added, namely :—

> "(*7*) The High Court may renew the orders made under this section and pass such order as it thinks fit."

was then put and lost.

The motion of Shri Amar Krishna Ghosh that in clause 16, after sub-clause (*1*), the following sub-clause be inserted, namely :—

> "(*2*) Where an order is made under sub-section (*1*) directing any person to be detained, the Provincial Government may, if it so thinks fit, grant to such person, in accordance with such rules as it may make in this behalf, such allowance or expenses as it may deem appropriate."

was then put and agreed to

The question that clause 16, as amended, do form part of this Bill, was then put and a division taken with the following result :—

AYES—43.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Sushil Kumar.
Banerji, the Hon'ble Dr. Suresh Chandra.
Barman, the Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, the Hon'ble Shri Annada Prosad.
Das, Mr. Radha Nath.

Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, the Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, the Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mallick, Mr. Ashutosh.
Mandal, Mr. Annadaprasad.
Mandal, Shri Krishna Prasad.
Mookerjee, the Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, the Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Platel, Mr. R. E.
Pramanik, Mr. Rajani Kanta.
Ray, the Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

NOES--2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 43 and the Noes 2, the motion was carried.

Clause 17.

Sri JYOTI BASU: Mr. Speaker, I move that in clause 17, line 2, for the word "six" the word "three" be substituted.

In this particular clause, clause 17, we find that the duration shall be a period not exceeding six months as may be specified in the order. I do not see why a particular person should be at a particular stage kept in detention without trial for six months. In view of the fact that none of my previous amendments have been accepted, at least this amendment may be accepted. If the accused is kept in detention for three months then of course the Government has further power—they have taken it upon themselves—to renew this order. We knew that it had been the habit with the British Government to renew these orders from time to time when the order expired, and the detainee used to be served with another order while he was still in jail and was not set free. The Congress Government is following in their footsteps. So, I would urge upon them to make it three months.

Sir, I have another amendment. May I move it?

Mr. SPEAKER: Yes.

Sri JYOTI BASU: I move that the following further proviso be added to clause 17, namely:—

"Provided further that a period of not less than two months shall have elapsed between the time of the expiry of an order and making a fresh order."

In the proviso to clause 17 it says that immediately another order, a new order, can be served to the same effect. Here I would suggest to Government to give the person some rest, say for two months, and then Government will have power to re-arrest him if they so wish, because under the provisions of this Bill Government can do anything they like under the Sun. I do not see why Government takes upon itself this power as well as the power of immediately issuing a fresh order to continue the detention. That is the purpose of my two amendments which I place before the Hon'ble Minister for his acceptance.

Sri AMAR KRISHNA GHOSE: Sir, I beg to move the following short-notice amendments, notice of which has been given in my name.

I move that in clause 17, line 1, the words "Save as hereinafter in this section otherwise provided" be inserted at the beginning before the words "An order"; and for the words "six months" in line 2, the words "three months" be substituted.

I also move that for the proviso to clause 17 the following provisos be substituted, namely:—

"Provided that the Provincial Government may, if and so often as it thinks fit, before the date on which under this section any such order would otherwise have ceased to be in force, place before a Judge of the High Court in Calcutta, the grounds on which the order is made, the representation, if any, made under section 18 by the person affected thereby and such further materials as the Provincial Government may think fit and the Provincial Government shall, in accordance with the decision of the Judge thereon, issue an order of release or a fresh order of detention for such period not exceeding nine months as may be determined by the Judge:

Provided also that the person affected by the order shall not be entitled to be defended or represented by any lawyer or other person before the Judge:

Provided further that the Provincial Government shall be at liberty to release any such person at any time notwithstanding any provision hereinbefore contained."

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: শ্রীযুক্ত ঘোষের সংশোধনী প্রস্তাব আমি গ্রহণ করছি।

Sri JYOTI BASU: Sir, I think all on a sudden these amendments have been placed before us. On reading them I find it does not make much sense. It does not provide for justice to the person who has been served with any order under section 16, because it is said here "so often as it thinks fit, the Provincial Government shall——" do that and other things, *i.e.*, place him before a Judge of the High Court. Now, Sir, much is made of a Judge of the High Court before whom papers will be filed. Of couse I am glad that it has not been left vague by the sponsor of this amendment, because he says that the person affected by the order shall not be entitled to be defended or represented by any lawyer or other person before the Judge I do not think that any self-respecting Judge would even deign to look at the papers placed before him, because we know that no Judge can arrive at a decision ex-parte. We know that he would say this in the ordinary course of law: "Unless persons are cross-examined before me it is not possible for me to come to any decision whatever."

That is the fundamental basis of law and of course Government can find such a Judge, since it can give jobs, who would think it worth going into defence papers prepared by the prosecution without hearing the accused and giving an *ex parte* decision. Mr. J. C. Gupta is a member of the Bar and realises that no self-respecting Judge would be forthcoming to do such a job. If he was made a Judge, he would not like to look into the papers placed before him by the Government and the police. Moreover, it is said that papers will be placed but not all the papers. Government will put before the Judge such papers as they want to. Therefore it means that such papers will be produced as can be done under the guise of safety and stability of the province and all such nonsense—papers which will only incriminate the person. The Government will accuse me of a crime, a heinous crime, and I cannot defend myself through a lawyer. Now an ordinary worker or a peasant may be arrested and his papers put before a Judge who will look into those papers. But how will that help him when he cannot examine the accused concerned for defending himself through a lawyer? Therefore I am sure that if the Government insists on doing this,—and here I wish to use a strong language—Government wants to hoodwink the people and nothing else. It would have been better, Sir, if Government had brought in naked and shameless laws as they have been trying to pass than to try to hoodwink the people in this manner by providing such provisos. Therefore I am absolutely opposed to this amendment because it may give the people a wrong impression of what the Government is really trying to do. The Government is trying to make out that it is making concessions.

If that is a *concession*, I do not know what people will think of this. Therefore everybody on this side will oppose it and as far as I am concerned, I will certainly oppose it because I do not want a Judge of the High Court to be reduced to such depravity that he will agree to look into those papers only and give an *ex parte* judgment.

Mr. MD. KHUDA BUKHSH: Sir, Government have chosen to spring this amendment on us by surprise and we have not had sufficient time to scrutinize it, but on a cursory glance it appears that the amendment is deceptive. Here it is provided that the Provincial Government may, if and so often as it thinks fit, before the date on which under this section any such order would otherwise have ceased to be in force, place before a Judge of the High Court—I do not know what kind of English it is but it does not appear to be a legal language fit to be embodied in this Security Bill—in Calcutta, the grounds on which the order is made, the representations, if any, made under section 18 by the person affected thereby and such further materials as the Provincial Government may think fit, and the Provincial Government shall, in accordance with the decision of the Judge thereon, issue an order of release or a fresh order of detention for such period not exceeding nine months as may be determined by the Judge. Here is another provision, Sir, whereby the fundamental liberty of a man to be provided with a lawyer for his own defence has been denied It has also been provided that the Provincial Government shall be at liberty to release any such person at any time notwithstanding any provision hereinafter contained.

Sir, to my mind this official amendment is certainly calculated to hoodwink the public. It appears to make a concession whereas it is actually making none It gives power to Government to place such papers only which Government thinks will be conducing to the conviction or detention of a particular person, and here it gives Government further powers to place the grounds that the Government wants to lay before the Judge I have all respect for a Judge of the High Court, but I feel that even a Judge of the High Court, even with all his experience and honesty, cannot give an *ex parte* decision. If a Judge is not allowed to take evidence and allow cross-examination of witnesses in a Government case, and scrutinize it thoroughly in every way, how can he be asked in all fairness to give his judgment on a Government decision? On these considerations we oppose this Government amendment.

Sri BIMAL CHANDRA SINHA: Mr Speaker, Sir, may I rise to speak a few words in respect of the amendment moved by Mr Amar Krishna Ghose. My friends opposite have tried to make out that the Government has chosen to bring this amendment to hoodwink the people. I shall not emulate their example and try to under-estimate the intelligence of the members of this House. I would rather request the honourable members opposite not to be carried away or swayed by sentiments and passions, but look at facts squarely and try to understand the real implication of this amendment. You might remember, Sir, that on a previous day an explanation has been added to clause 2(7)(*b*) limiting the meaning of the words "subversive acts". My friend Mr. Jyoti Basu who was so eloquent over the political liberty of the people should be satisfied that legitimate political agitation has been left out of the purview of the Act by the explanation that has been added to clause 2(7)(*b*) (Mr. JYOTI BASU: We will judge that by its effect.) Now, Sir, in this amendment what has been proposed? It has been proposed that the police can arrest a person and detain him for fifteen days. That is perhaps in clause 30, and within these fifteen days he shall have to report the whole matter to the head of the provincial Government who himself shall have to be satisfied that there exist reasonable grounds for his detention. It is not left to the members of the police force or even members of the executive, but it has been personally entrusted to the head of the administration himself, to the Home Minister, that he shall have to satisfy himself that there exist reasonable grounds for his detention

without trial. And then how long can even the head of the administration detain the person without trial? If you go through this amendment, you will find that that period of detention without trial in the first instance has been limited to three months only. For the first three months the person can be detained without trial on the order of the head of the administration, the Home Minister. But that is not all. If you then proceed to the provision of sub-clauses, you will find that even within these three months as laid down in section 18 the grounds on which the person has been detained must be communicated to the person concerned and the person's explanation against the continuance of the order obtained And before the expiry of that period of three months of detention of the person without trial not only the representation of that aggrieved person but also all other relevant papers will go to the Judge—mind that, Sir, you should depend on an actual Judge and not a person who is entitled to be a Judge but a person who is acting as a Judge—a High Court Judge, for his review and decision, and his decision shall be mandatory and binding on the provincial Government. Then, Sir, my friend opposite has tried to make a political capital out of this proviso that lawyers will not be allowed to appear on behalf of the accused. I would request the honourable members opposite to find out if the person is himself excluded from pleading his case if the Judge of the High Court so desires. The wording of the proviso is that "the person affected by the order shall not be entitled to be defended or represented by any lawyer or other person before the Judge" I think there is not a single word in that proviso which excludes the person himself to represent his case before the Judge if the Judge so desires I am not so solicitous of the interests of lawyers in spite of many lawyers being members of this honourable House I do not know, Sir, in whose interest my friend Mr Jyoti Basu was pleading—pleading on behalf of the person aggrieved by the order or pleading in the interest of lawyers or any other persons who are very often found to be posing as the best friends of the criminals who might have to be detained under sections 16, 17 and 18 of the Act.

Mr Speaker, as I have pointed out, Sir, the Government do not now take upon themselves the responsibility of modifying, cancelling or disobeying the order of the High Court The order of the High Court will have to be now mandatory on the Government and before the expiry of the three-month period during which all this process will have to be gone through the High Court of Judicature may pass the final verdict which the Government must obey If the Judge of the High Court taking a judicial view of the matter finds that a person should be released and there is no necessity of continuing the order, the Government is bound to listen to that order and release the person concerned If the High Court of Judicature finds that it is necessary in the interest of the State to keep a person in detention for further six months, the Government will listen to that order as the High Court may decide upon I do not think, Sir, anybody is anxious not to give this much of power to the Government and not even to put trust in the highest court of justice which he might say we are dragging down to heinous depths I do not know if it is parliamentary to cast reflections on the High Court in this manner, but I shall not raise that point. I however think, Sir, I have the people behind me when I say that the decision of the High Court Judge will be taken to be an impartial decision, a decision, not in the interest of any political party, not in the interest of the executive, but in the interest of the people as a whole and in the interest of the State, the province as such. If anybody protests against this, I think I shall not be wrong if I say that the persons who are trying to take cover under the plea of liberty of the people are really against the safety and the stability of the State and my friend Mr. Dutt-Mazumdar has prescribed what remedy they should be given if they think in that manner (Mr. MD. KHUDA BUKHSH: Oh!) My friend opposite says "Oh". May I request him to go to East Bengal where his party is in power and agitate against the Special Powers Ordinance which is there in a more heinous form and give the civil liberties that this Bill purports to give to the people of this province.

Mr. ABUL HASHEM: Is it parliamentary for one honourable member of this House to describe a member sitting on this side as a member of the party that has gone over to East Bengal now that the two Dominions are different States?

Sri BIMAL CHANDRA SINHA: I withdraw the expression and I would now say that after all members of East Bengal Government are their friends. I do not think they would deny that they are their friends. My comments have gone home and now I withdraw them lest they might disturb them. I would only say, search your own hearts. If you are true and genuine citizens of the province, then find out if anybody is against the stability of the province itself, and if any such persons exist whether you are going or you are not going to bring them under the purview of sections 16, 17 and 18. Personally, I am convinced, Sir, that detention without trial is as obnoxious a measure as it can be. Nobody likes to put a person in jail without even trying him, but sufficient grounds have been adduced for the necessity of this provision and I need not cover the same grounds again.

Sir, I would lastly conclude my speech by saying that the conditions for keeping a person in detention without trial have now been so modified that I must really thank the Leader of the House for accepting the suggestion made from various quarters of this House and incorporating the suggestion that the highest Court of Judicature might be requested to apply a fresh mind and put a corrective to executive action if there are *bona fide* mistakes —mistakes even where the stability of the province is at stake.

Sri BIMAL COMAR GHOSE: Sir, may I add a few observations on this clause? In the arguments advanced by speakers from benches opposite I find there is a considerable amount of confusion. Section 17 must be read in conjunction with section 16. The main argument advanced by members opposite appears to be that a judicial trial is not allowed for persons who may be detained under section 16 but that instead some machinery is set up for judging such cases in camera.

Now, Sir, I submit that it is not possible for an open trial in such cases for this reason. If you read section 16(*1*), it says that it will be applicable for preventing persons from doing certain acts—not that they have committed those acts but for preventing persons from doing subversive acts. It is a preventive measure—no overt act may have been committed. It is not possible in such cases to bring matters to the court, although only in such cases will Government have power to issue orders. Let us not rouse passions. The fundamental issue is this—whether we consider an emergency exists in this country at the present moment, an emergency which makes it necessary for Government to acquire powers for ensuring the safety and stability of the province. I think that argument was fairly and squarely put by my honourable friend Mr. Bimal Chandra Sinha and the Opposition members seemed also to agree that if any person should try to take recourse to subversive acts, there should be no sympathy or soft-heartedness for such persons and that they should be condemned. The only question that arises is whether there may be occasions for misusing those powers and whether we should provide a machinery to safeguard against such misuse of powers, and that is what the intention of clause 17 is. I believe that if the mind of a Judge who has a judicial temperament is brought to bear upon a case on which the Government will have already given their opinion, we can take it for granted that no miscarriage of justice will take place.

Now, Sir, the question is, what is the fundamental liberty on which the members opposite have waxed eloquent? Now, would it be regarded a fundamental liberty for a person to do acts which will go against the very safety and stability of the province? I do not think that it would be argued that that constitutes a fundamental liberty. So, let us not talk of fundamental liberty. This Bill, when it will be passed by the legislature

and become an Act, does not intend to take away the civil liberty or the fundamental liberty of a subject. What it does take away is the liberty which a subject does not possess to do subversive acts which will endanger the safety of the State. The only question, as I said, that arises is that the power which is given to the Government under this Act may conceivably be misused and all that we should do and which the Congress Party here is most anxious to do is to set up a machinery to see that that power is not abused.

In subsequent sections we find that the *habeas corpus* provision is also there. From six months we have cut down to three months the power given to the Government to detain a subject by an executive order. Then what is provided is that if a High Court Judge on going through or examining the facts on which the accused was detained feels that sufficient ground exists for his detention, then only will he be detained for a further period. Let us also not forget some of the conditions which exist in this country as also the background of this Bill. Those who criticise the Bill forget that until probably 15th or 16th of March next Government are already armed with powers, much larger powers than envisaged in this Act. They had no necessity of bringing forward this Bill, if they wanted to exercise much more rigorous power than they want to take under this Act. But that was not the intention of the Congress. They want to come up before the public to have power, they want to consult the public whether they feel that such a legislation is necessary, and only with their consent to apply the provisions of this Act. I feel, Sir, therefore that when we are discussing section 17 we should bear in mind the provision of section 16 and also the special circumstances under which we are placed today, the emergency which faces our country, and then only say as to whether the power, a very small power which Government is asking for, is justified or not. I think we have adduced sufficient grounds to justify that these powers are required and necessary in the interest of the State.

Mr. MD. KHUDA BUKHSH: Sir, I beg to move that the proviso to clause 17 be omitted.

The proviso gives Government power to this effect that nothing shall prevent the Provincial Government on the expiry of the validity of any such order—that is, the order of detention for six months initially; the power that they have taken by the substantive portion of the clause—as aforesaid, after considering all the circumstances of the case, from issuing from time to time a fresh order to the same effect and subject to the same limitations as to duration. Sir, by this proviso Government arm themselves with power to keep a person eternally under detention by issuing fresh orders after expiry of the order under section 16. This is the very negation of personal liberty, and we cannot agree that a person can be detained for an indefinite length of time. Just now Government have agreed to reduce the period from six months to three months. It makes actually no difference if this proviso is retained whether the person is detained initially for six months or three months and if Government has power repeatedly to issue fresh orders after the expiry of an order made under this section. I feel that if there is sufficient reason for the Government to keep a man under detention after the initial period of three months, they should be able to collect sufficient materials to give before a Magistrate. The Magistrate will then examine, Sir, what case is there against him, what warrants his detention after detention, so that a detainee may be given a chance to defend himself, to adduce evidence in favour of his being set at liberty. Sir, this feeling in the country they wanted to circumvent by this very cleverly worded new amendment to clause 17 that the Government have officially sponsored.

Sir, we have objected to that amendment and I hope my amendment of dropping this proviso to this clause shall be accepted by the House.

Dr. BIDHAN CHANDRA ROY: Sir, after many years I have the privilege of addressing the members of the Legislative Assembly, probably a period of seventeen years, and I hope the members here today present will forgive me if I express to them my sense of oppression at the unreal position and situation in which they are discussing the matter today. Let them not merely consider what is happening in West Bengal or East Bengal. Let them look round, let them go out, at least let them get the literature from different parts of the world, and they will find suspicion, distrust, jealousy reigns supreme everywhere, with the result that there is a very wide volume of fear that has been engendered which is partly responsible for the criticism which I have heard today. I have heard it repeated over and over again that we must not interfere with the liberty of the subject, but let me warn them that liberty is not licence. When you are in a social life in a civilised society you have got to give up certain of your liberties. One of the little liberties I want to retain to myself is to sit in my chair here when the discussions are going on, but my friend Mr. Jyoti Basu won't give me that liberty. He wants me to go backward and forward (laughter). I am older than his old father and, therefore, I want a little liberty to remain in the seat where I am, but that is the arrangement in which we work.

Now, the other sense of unreality that I see people oppressed with is that they have not—I hope they will pardon me—most of them have not read the Bill or the amendments that have been moved on behalf of Government. Those who do not desire to be convinced, I do not hope to convince them with any arguments that I want to put forward, but those who desire to keep an open mind, I will give them this proposition: the very object of the Bill will be frustrated if action is not taken immediately swiftly, because nothing deters a miscreant more than swift action on the part of the executive. All the amendments that I have heard discussed with regard to clauses 16 and 17 have been on the basis that we are proceeding to judge of a human being and his conduct with certain amount of evidence as regards his capability in the crime, but that is not so. I would urge them to think of it in the same sense as I look at it, namely, that there is an epidemic prevalent in the world today. Everywhere we find a sense of distrust, and therefore in order to avoid that epidemic preventive measures have to be adopted. We all know that a small-pox epidemic is feared in Calcutta. We ask people to give up their liberty and subject themselves to vaccination. Why? In order, first of all, to prevent the individual who gets the vaccination to be protected from this infection, and also what is more important is to allow others who are moving about in the city not to expose themselves to the infection. Therefore, this problem is more or less axiomatic that if you want to take action as a preventive measure—and even in politics prevention is better than cure—if you want to take a preventive measure, you must act swiftly. Now, section 16 as it has been put down here says that the Provincial Government shall make an order if there are reasonable grounds for thinking that a person is about to commit a subversive act—is about to get small-pox, in my language. I should say, in order to make my argument quite clear, that it is necessary to force that man either to remain in a quarantine area or to get vaccinated in order to protect him and protect other people in that area. If you start on that basis and if you start on that premise that it is not a curative process but a preventive process, all the other amendments that have been moved by my friends opposite will fall to the ground. If you think that it is necessary to act swiftly you cannot commit the mistake of going to one Judge and then to another Judge and ask the lawyer to dilate upon the points to defend the individual and so on and so forth. I have great respect for lawyers, but I think the world is soon getting into the atmosphere in which lawyers will be absolutely out of court. (Mr. J. C. GUPTA: এটা আবার কি !) My friend says, এটা আবার কি ? He knows that his prospect is absolutely assured. I will tell, why. Because, lawyers ordinarily in the scheme of

things to come which we are visualising will be converted into good industrialists and into good engineers taking interest in trade and progress of the country as a whole. Therefore my suggestion is, if you are to take certain measures for preventing a particular incident to happen, the question is, should you allow Government to utilise that power without its being checked by some party or other. I do not agree with my friends opposite that the amendments that have been proposed are to hoodwink the people at all, and I take the full responsibility for the way in which the amendment has been put. The position is that the Act is limited to a period of one year and is also limited to the directions in which it is to be applied, more with regard to quality and quantity as regards area and nature of the trouble to which it can be applied, when the Provincial Government has reasonable grounds for issuing an order. But it is possible that even with all the information that the Provincial Government may have in its possession the conclusion that it comes to with regard to an individual or a group of individuals might be something different if somebody else has some facts before him. My friend Mr Jyoti Basu is, I understand, a lawyer, and I am surprised at seeing that he says that a Judge will think it beneath his dignity to pass a judgment without having before him the facts and figures. My answer to that is that I regard the judge also as a person who belongs to the community, and if there is an atmosphere which makes the Provincial Government take certain steps and if that atmosphere is continuing at the end of three months the judge would not be a human being belonging to ourselves unless he also is cognisant of that atmosphere And therefore if the Provincial Government places the facts before him and if the judge also appreciates the circumstances which led the Government to issue that order it is not unreasonable to think that that judge, even though he be a judge, is a human being and that he would appreciate the reasonable grounds on which the Government has issued the order. After all, the judge will have almost the same facts, if not a few more than what the Provincial Government had at the time the original order was issued, because the judge will have the statement of the person who has been detained as well as all the papers which the Government has given to the judge Although it has been said that Government will give such papers as they may think fit to give, there is no reason to think that a judge who is a responsible person—if he wants to arrive at a conclusion—will not ask for all the papers. If the judge, for instance, thinks that Government has exceeded the powers given under the Act it will be open to the judge to tell the Government to revise its decision, and it would be a very bad Provincial Government or a very bad Home Minister who would refuse to accept that, because it is binding in the first instance on the Government, and apart from being binding, Government will realise that here is an independent opinion and that they should abide by it And therefore my suggestion to my friends opposite is to take the facts as they are and not merely to dilate upon the words and phrases as we find repeated everyday. There are slogans which are used without much sense of reality I would ask them to remember that this is merely a preventive Act for the purpose of avoiding such incidents as we have had unfortunately witnessed during the last eighteen months. Supposing my friend Mr Mudassir Hossain's proposition is accepted, I would have liked him to remain in Calcutta. I do not know whether he was in Calcutta on the 16th August, 1946 (Mr Mudassir Hossain: I was in Calcutta then.) Let him put the case if he wants to bring a case before a Magistrate (Mr Mudassir Hossain: That is not my proposal. Dr. Roy is not correct.) I am sorry. Well, I am very glad that it is not so. But my point is, if it is prevention which is intended, the action taken must be swift, must be deterrant and must convince the fellow who is being detained that there is no loophole for him to take advantage of delaying tactics. On the other hand, Government also may not feel that they can do exactly as they think best. Therefore the amendment put forward is that at the end of three months or within three months the Judge of the High Court will find out whether the Government is right and if any further detention has to be made it shall be at the suggestion of a Judge of

the High Court. Therefore I repudiate the suggestion made by the other side that the amendment is moved to hoodwink the public. If there is any protection to the public, there is protection given to the public by this amendment which I commend to the acceptance of the House.

The motion of Sri Jyoti Basu that in clause 17, line 2, for the word "six" the word "three" be substituted, was then put and lost.

Sri JYOTI BASU: On a point of order, Sir. Just now a similar amendment was put and Government said "No". But now they are accepting this: the subject-matter is the same.

Mr. SPEAKER: No, this is not identical.

The motion of Sri A. K. Ghose that in clause 17, in line 1, the words "Save as hereinafter in this section otherwise provided" be inserted at the beginning before the words "An order"; and for the words "six months" in line 2, the words "three months" be substituted, was then put and agreed to.

The motion of Sri A. K. Ghose that for the proviso to clause 17 the following provisos be substituted, namely:—

"Provided that the Provincial Government may, if and so often as it thinks fit, before the date on which under this section any such order would otherwise have ceased to be in force, place before a Judge of the High Court in Calcutta, the grounds on which the order is made, the representation, if any, made under section 18 by the person affected thereby and such further materials as the Provincial Government may think fit and the Provincial Government shall, in accordance with the decision of the Judge thereon, issue an order of release or a fresh order of detention for such period not exceeding nine months as may be determined by the Judge.

Provided also that the person affected by the order shall not be entitled to be defended or represented by any lawyer or other person before the Judge:

Provided further that the Provincial Government shall be at liberty to release any such person at any time notwithstanding any provision hereinbefore contained.",

was then put and agreed to.

Mr. SPEAKER: The motion of Mr Khuda Bukhsh—No 45—falls through.

The motion of Sri Jyoti Basu that the following proviso be added to clause 17, namely:—

"Provided further that a period of not less than two months shall have elapsed between the time of the expiry of an order and making a fresh order.",

was then put and lost.

The question that clause 17, as amended, do form part of the Bill was then put and agreed to.

Adjournment.

The House was then adjourned at 6-57 p.m. till 3-45 p.m. on Friday, the 9th January, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 9th January, 1948, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, six Hon'ble Ministers and 54 Members.

Special Motion under rule 85 of the West Bengal Legislative Assembly Procedure Rules.

Mr. SPEAKER: There is no question today. The business before the House is the Special Motion under rule 85 of the West Bengal Assembly Procedure Rules. Sri Ashutosh Mallick.

Sri ASHUTOSH MALLICK: Sir, I beg to move that this Assembly is of opinion that in order to ensure proper and efficient functioning of the West Bengal Legislative Assembly Department, Rules for, and Rules regulating the procedure of, the Assembly Department be framed in so far as such rules may not be inconsistent with the Government of India Act, 1935, as adapted, and that a Committee of the following members be appointed for the purpose, namely:—

(1) The Hon'ble Minister in charge of the Home Department,

(2) Sri Amar Krishna Ghose,

(3) Sri J. C. Gupta,

(4) Sri Debendra Nath Sen,

(5) Sri Bimal Comar Ghose,

(6) Sri Niharendu Dutt-Mazumdar,

(7) Sri Bimal Chandra Sinha,

(8) Sri Shyamapada Bhattacharjee,

(9) Sri Radhanath Das,

(10) Mr. A. F. M. Abdur Rahman,

(11) Mr. Muhammad Rafique,

(12) Mrs. Edna May Ricketts and

(13) Sri Ashutosh Mallick (the mover),

with instructions to submit their report by the 31st March, 1948, and that the quorum of the Committee be fixed at five.

Mr. Speaker, Sir, this is a motion of a non-controversial nature. I do not think it requires any long speech. It is a long-felt demand, and with these observations only I commend this motion for the acceptance of the House.

Sri BIMAL CHANDRA SINHA: Sir, I have two amendments to move. May I have your permission?

Mr. SPEAKER: Yes.

Sri BIMAL CHANDRA SINHA: I beg to move that in place of Mrs. Edna May Ricketts, the name of Mr. L. R. Pentony be substituted.

I also beg to move that the following be added to the list already mentioned in the original motion, namely:—

The Hon'ble the Finance Minister, and

Sri Anandi Lal Poddar.

May I make my submission now, Sir?

Mr. SPEAKER: Yes.

Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, it is a little embarrassing for me to speak on this motion as also on my amendments, because in the original motion the mover has also proposed my name as one of the members of the Committee to consider this question. But, Sir, I really stand here today to speak a few words about the motion that has been very appropriately brought forward by the Deputy Speaker of this House. We, Sir, have undertaken a new adventure on the 15th of August. We have turned a new corner. You all know that the Parliaments which we used to have in this Province as also in this country were sham Parliaments functioning under the limitations they did function in the good old days. We know, Sir, that the power had not emanated from the people and the assemblies were after all mere handiwork of certain Imperialist Acts and were not the representative forum of the people as such. You know that in the political history of the country at one time there arose a very great controversy as to whether Council entry did or did not turn our attention to wrong channels. But, Sir, as power has gradually and gradually come to the people, legislatures have come to assume more and more independent status and they have now become more or less representative of the people. Today when we have undertaken our great adventure on the 15th of August, it is now just fit that we should turn our attention to make this Parliament a Parliament in the very real sense of the term—a Parliament where we have no longer to function under the limitations of the Government of India Act passed by a foreign Parliament, but a Parliament in which we can make or mar our destinies, where we can forge our future and where we can build the nation according to the nation's will. If that be our object, Sir, then it is of utmost importance to find out in what way we can make our Parliament a living thing, a real thing, a body truly representative of the rights of the people so that there might be a guarantee to the people that their rights can be guarded by their chosen representatives—an assurance to the country that after all here we forge the destinies of the country and we function under no limitation placed by any powers outside. If that be so, Sir, the motion that has been moved by the Deputy Speaker is a very apt motion at this particular moment. It seeks to draft rules for the proper and efficient functioning of this legislature. We all know, Sir, that the Assembly has not yet had the independent status we wish this Assembly to attain. It is after all yet a limb of the Provincial Executive, but when the Provincial Government has become the Government of a free people, it is more essential that the Provincial Legislature should not work under the limitations it has yet to work and it must have an independent status of its own. You know that the previous Speaker repeatedly drew the attention of this House as to the extreme necessity of getting rid of the limitations placed on the independent functioning of this Assembly and giving this Assembly an independent status of its own. You are aware that the House of Commons has an unlimited privilege. It has an authority which extends even beyond the authority of the Government. The Speaker within the precincts of the House is the sole custodian of the members' privileges and rights. Not only that, even outside it has some functions which cannot be interfered with by any authority, not even by the Government of the land. It is in this way that the English people have tried to preserve their fundamental rights and liberties. Now, Sir, in the situation in which we are placed today, unless we strive to give our Parliament this independent status where the rights of the people will be safeguarded, the alternative is a very dark alternative. You know, Sir,

that if we do not try to make parliamentary work a real living thing, the alternative is bloodshed and chaos. Unless we agree to defend our rights, unless we have that liberal toleration to adjust each other's mutual viewpoints, unless we find out and share each other's doubts and viewpoints in the framework of this Assembly, the result will be chaos outside and trouble inside. So in the difficult times that lie ahead, if we have to respect the will of our nation, it is very essential that people must feel that it is not necessary to resort to violence or force in order to ensure their rights, and the chosen representatives that may come here will be able to properly safeguard the rights of the people that have been entrusted to them without any let or hindrance from the Provincial Executive. Unless we do that, the future of India would not be very bright. For that reason, Sir, I think it has been very appropriate not to allow any delay in the framing of the rules which this motion proposes to frame, and I would earnestly appeal to all sides of the House to co-operate in the noble object set forth in this motion and to give suggestions so that this House may become a living and real House representing the viewpoints of the people and a real forum for mutual discussion and adjustment so that our differences may be straightened out here, our problems may be solved here and our future also may be assured here within the fundamental framework which has been set up by the constitution of India itself.

Mr. MD. KHUDA BUKHSH: Sir, in welcoming this resolution I crave permission from you, Sir, to move a short notice amendment and it is in respect of a name that I wish to be added, apart from the names sponsored by the mover of the resolution. I move that the name of Sri Jyoti Basu be included in the list, and I hope the House will accept my amendment.

Mr. SPEAKER: Have you got his consent?

Mr. MD. KHUDA BUKHSH: Yes, Sir. Sir, this Committee will frame rules regulating the procedure of the Assembly and also such rules that will make the functioning of this legislature efficient. Sir, one thing the mover of the resolution has omitted is the definition of the privileges which the members of this honourable House should enjoy. We have a notion that we have very similar privileges as those enjoyed by members of the Mother of Parliaments—the Parliament in England, but nowhere such privileges have been defined. I hope this Committee will also undertake to define the privileges that the members of this House shall enjoy.

The motion of Sri Bimal Chandra Sinha that the name of Mrs. Edna May Ricketts be substituted by the name of Mr. L. R. Pentony, was then put and agreed to.

The motion of Sri Bimal Chandra Sinha that the following names, viz. :—

The Hon'ble Minister-in-Charge of the Finance Department, and

Sri Anandilal Poddar

be added to the list, was then put and agreed to.

The motion of Mr. Md. Khuda Bukhsh that the name of Sri Jyoti Basu be added to the list, was then put and agreed to.

The motion of Sri Ashutosh Mallick as amended that this Assembly is of opinion that in order to ensure proper and efficient functioning of the West Bengal Legislative Assembly Department, Rules for, and Rules regulating the procedure of, the Assembly Department be framed in so far as such rules may not be inconsistent with the Government of India Act, 1935, as adapted, and that a Committee of the following members be appointed for the purpose, namely :—

(1) The Hon'ble Minister-in-charge of the Home Department,

(2) Sri Amar Krishna Ghose,

(3) Sri J. C. Gupta,

(4) Sri Debendra Nath Sen,

(5) Sri Bimal Comar Ghose,
(6) Sri Niharendu Dutt-Mazumda
(7) Sri Bimal Chandra Sinha,
(8) Sri Shyamapada Bhattacharjee,
(9) Sri Radhanath Das,
(10) Mr. A. F. M. Abdur Rahman,
(11) Mr. Muhammad Rafique,
(12) Mrs. Edna May Ricketts,
(13) Shi Ashutosh Mallick (the mover),
(14) The Hon'ble Minister in charge of the Finance Department,
(15) Sri Anandilal Poddar, and
(16) Sri Jyoti Basu,

with instructions to submit their report by the 31st March, 1948, and that the quorum be fixed at five, was then put and agreed to.

Non-official Members' Resolution.

Sri NISHAPATI MAJHI: মাননীয় স্পীকার মহোদয়, আমি নিবেদন করিতেছি যে যজ্ঞেশ্বর বাবু অনুপস্থিত থাকায় তাঁহার স্থলে আমি প্রস্তাবটি উত্থাপন করিতেছি—

"ভারতীয় গণপরিষদ মৌলিক অধিকারবলে যে অস্পৃশ্যতাকে দণ্ডযোগ্য বলিয়া ঘোষণা করিয়াছেন তজ্জন্য এই পরিষদ অন্তরের সহিত ভারতীয় গণপরিষদকে ধন্যবাদ জ্ঞাপন করিতেছে। ভারতীয় গণপরিষদের ঘোষণাকে আইনতঃ কার্য্যকরী ও অস্পৃশ্যতা বর্জ্জনকে সাফল্যমণ্ডিত করিবার জন্য সরকার হইতে যথোপযুক্ত ব্যবস্থা করা হউক ইহাই এই পরিষদের অভিমত। পশ্চিমবঙ্গবাসীকে অস্পৃশ্যতা বর্জ্জন কার্য্যে নিযুক্ত হইয়া সমাজজীবনকে প্রাণবন্ত, সুষ্ঠু ও সজীব করিয়া তুলিবার জন্য এই পরিষদ দেশবাসীকে আবেদন জানাইতেছে।"

মাননীয় স্পীকার মহাশয়, অস্পৃশ্যতা বর্জ্জন এবং তপশীলদের উন্নতিকল্পে এদেশে বিদেশীরা ইংরেজী শিক্ষা দ্বারা হয়ত হরিজনদের রাজনৈতিক চেতনা ও অধিকার দানের আংশিক ব্যবস্থা করিয়াছেন। কিন্তু বর্ণহিন্দু ও হরিজনদের মধ্যে প্রকৃত মিলনের কোন প্রচেষ্টাই করেন নাই। ভেদনীতির দ্বারা বিদেশী শাসনকে কায়েম করিতে দেখিয়া মহাত্মা গান্ধী এই কারণেই হরিজন আন্দোলন সৃজন করেন। তিনি ঐকান্তিকভাবে বর্ণহিন্দু ও হরিজনদের মধ্যে যোগসূত্রটি অক্ষুণ্ন না রাখিলে এই ব্যাপারে আজিকার জাতীয় সরকারকে অপর আর একটি বাধা-বিঘ্নের সম্মুখীন হইতে হইত। এক্ষেত্রে মহাত্মা গান্ধী ও রবীন্দ্রনাথ আমাদিগকে সমাজ-সংস্কার পথে অনেকটা অগ্রসর করিয়া দিয়াছেন। আনন্দের সহিত এইজন্য ভারতের গণপরিষদকে মহাত্মাজীর প্রচেষ্টাকে তথা অস্পৃশ্যতাকে উচ্ছেদ করিতে যত্নবান হওয়ায় ধন্যবাদ জ্ঞাপন করিতেছি।

স্পীকার মহাশয়, অবগত হইয়াছি যে কেন্দ্রীয় স্বাস্থ্য-সচিব মাননীয়া রাজকুমারী অমৃত কাউর অবিলম্বে প্রত্যেক প্রদেশে হরিজন উন্নয়ন কার্য্যের জন্য একটি করিয়া বিভাগ স্থাপনে উদ্যোগী হইয়াছেন। আজ পশ্চিম বাংলার পরিষদ সদস্য মহাশয়দের এইজন্য সুচিন্তিত অভিমত প্রদান করিবার সুযোগ উপস্থিত হইয়াছে। মাননীয় সদস্যগণ নিজ নিজ অভিমত জ্ঞাপন করিয়া পশ্চিম বাংলার প্রায় ৩৭ লক্ষ হরিজনের উন্নয়ন কার্য্যের ভার গ্রহণ করিলে সত্যই দেশ ধন্য হইবে। ইহাতে পশ্চাৎপদ জাতিগুলি ভারত সরকারের পরিকল্পিত কৃষিশিল্প উন্নয়ন কার্য্যের আংশিক কার্য্যভার গ্রহণ করিতে সক্ষম হইবে।

প্রস্তাবের পটভূমিকায় আমি এই সূত্রে বলিতেছি হরিজন উন্নয়ন মানে মাদ্রাজের ১৯৩৭, ১৯৩৮ এবং ১৯৪৭ সালের মন্দির প্রবেশ আইন নহে। পশ্চিম বাংলার অস্পৃশ্য অনুন্নত এবং তপশীলদের আইনতঃ অধিকার দিবার যদিও কোন আইন আজ পর্য্যন্ত রচিত হয় নাই, কিন্তু এখানকার সামাজিক জীবনে চলাফেরার কোন গুরুতর ব্যবধান নাই। এখানকার হরিজনদের গলায় ঘণ্টা বাঁধিয়া রাস্তার একধারে চলিবার প্রথা কোন কালে ছিল না। আমি বিশ্বাস করি বাংলাদেশে শ্রীচৈতন্যদেব, রাজা রামমোহন রায়, বিবেকানন্দ, রবীন্দ্রনাথ এবং শিক্ষকগণ, ছাত্রগণ ও দেশকর্ম্মিগণ ও সাহিত্যিকগণ অস্পৃশ্যতার বিষবৃক্ষের

মূলে যে পরিমাণে কুঠারাঘাত করিয়াছেন, এইবার জাতীয় সরকারের সামান্য আঘাতেই তাহা ভূমিস্যাৎ হইয়া যাইবে। পশ্চিম বাংলার জনগণ এই বিষয়টির প্রতি এত বেশী উদ্যোগী ও প্রগতিশীল যে, যে কোন একটি আইন বিধিবদ্ধ হইলেই তাহা হরিজনদের মন হইতে কাল্পনিক সেকালের ভীতি, সংকোচ এবং বর্ণহিন্দুদের সম্মুখের তুচ্ছ সামাজিক বাধা ও চক্ষুলজ্জা দূর করিতে সমর্থ হইবে।

এইজন্য আমি প্রস্তাব করিতেছি, আগামী ১৯৪৮ সালের যে বাজেট অধিবেশন হইবে, সেই অধিবেশনে মাদ্রাজের গ্রাম পঞ্চায়েৎ আইনের ন্যায় যেন একটি বিল উপস্থাপিত করা হয়। এই বিলের সাহায্যে গ্রামের সকল শাসনভার এবং সংগঠন কার্য্যের দায়িত্ব যেমন ন্যস্ত থাকিবে সেইরূপ অসম্মত ব্যক্তিদের গ্রামের পঞ্চায়েৎগণ দণ্ডদানের যথাযথ ব্যবস্থা করিয়া অস্পৃশ্যতা বর্জ্জন কার্য্যকে সার্থক করিয়া তুলিবেন। পঞ্চায়েৎগণ ২৫০৲ টাকা অর্থদণ্ড এবং তিন মাস জেল পর্য্যন্ত দিবার অধিকারী হইবেন। ইহার কাঠামো কিরূপ হইবে তাহা চূড়ান্তভাবে স্থির করিবার জন্য মাননীয় আইন-সচিব মহাশয়কে সর্বদলের নেতাদের পরামর্শ গ্রহণ করিবার জন্য অনুরোধ জানাইতেছি। আমি মাদ্রাজের পল্লী পঞ্চায়েৎ আইনে যেসব দণ্ডদানের বিধি-ব্যবস্থা দেখিয়াছি তাহার সহিত নিম্নলিখিত বিষয়গুলি সংযুক্ত করিবার প্রস্তাব উপস্থাপিত করিতেছি:—

(১) যে সব পুরোহিত ও মন্দিররক্ষক মন্দিরে প্রবেশে বাধা দিবে,

(২) যে সব নাপিত চুল কাটিতে এবং যে সব ধোপা কাপড় কাচিতে অসম্মত হইবে,

(৩) যে সব ব্যক্তি পদবী ব্যবহার না করিয়া জাতির নাম উল্লেখ করিবে এবং অযোগ্য সম্বোধনে অপমানিত করিবে;

(৪) যে সব ব্যক্তি জলাশয়ে ও বিদ্যালয়ে সকলকে সমান অধিকার দিতে অসম্মত হইবে এবং নানা কারণ উপস্থিত করিয়া শিক্ষাদান ও জলদানে বাধা সৃজন করিবে;

(৫) যে সব হোটেলওয়ালা, মিষ্টান্নবিক্রেতা স্পর্শদোষের ভয়ে দূর হইতে খাদ্যদ্রব্য ছুঁড়িয়া দিবে কিংবা ঘটি হইতে জল মুখে ঢালিয়া দিবে;

(৬) (ক) যে সব ব্যক্তি গোয়ালে বসাইয়া অথবা খারাপ স্থানে মজুর, মাহিনদার, ভাগিদার, চাকর, চাকরাণীকে পচা খাদ্যদ্রব্য প্রদান করিয়া স্বাস্থ্যহানিকর কার্য্য করিবে;

(খ) যে সব ব্যক্তি নরনারায়ণ ভোজন, সার্বজনীন এবং কাঙ্গালী ভোজন প্রভৃতির আয়োজন করিয়া রাস্তার ধারে, পচা ড্রেনের পাশে এবং নোংরা স্থানে খাইতে দিবে;

(৭) যে সব ব্যক্তি উচ্ছিষ্ট খাদ্য খাইতে বাধ্য করিবে অথবা উচ্ছিষ্ট খাদ্যাদি খাইতে ও সংগ্রহ করিতে দেখিয়াও কোনরূপ বাধা দিবে না;

(৮) যে ব্যক্তি নিজেকে ভদ্রলোক ভাবিয়া অন্যকে ছোটলোক বলিয়া তিরস্কার, অপমান ও প্রহার করিবে অথবা গ্রাম হইতে উচ্ছেদের ষড়যন্ত্র করিবে অথবা এইসব বিষয়ে ছোটলোকের স্পর্দ্ধা, ভদ্রলোকের মানহানির উত্তেজনা সৃজন করিয়া অন্যায়কারীকে সাহায্য করিবে;

(৯) যে সব প্রতিষ্ঠান কর্ম্মে নিযুক্ত অধীনস্থ হরিজনদের পানীয় জলের এবং বাসগৃহের ও চিকিৎসা-দানের এবং শিক্ষাদানের ত্রুটি করিবে;

(১০) যে সব গ্রামের ও সহরের সংরক্ষণশীল ব্যক্তিরা নানারূপ ষড়যন্ত্র করিয়া অথবা কূট কৌশল অবলম্বন করিয়া এইসব ব্যাপারে মিথ্যা সাক্ষ্য সংগ্রহ এবং দরবার ও তদ্বির ইত্যাদি করিবে কিংবা প্রকৃত ঘটনাকে বিকৃত করিয়া হরিজনদের অভাব-অভিযোগের বাধা সৃজন করিবে;

তাহাদের উপরিলিখিত যে কোন দণ্ডে পঞ্চায়েৎগণ দণ্ডিত করিতে পারিবেন। অভিযোগকারীকে কি বাবদ কিছুই দিতে হইবে না। কোন পক্ষের উকিল নিয়োগের অধিকার থাকিবে না। সাক্ষীসাবুদ জবানবন্দী লইয়া পঞ্চায়েৎগণ যাহা বিচার করিবেন তাহাই চূড়ান্ত হইবে। তবে দণ্ডাদেশের বিরুদ্ধে দেওয়ানী ও ফৌজদারী উভয়বিধ প্রকাশ্য আদালতে গুরুতর কতকগুলি কারণের জন্য আপীল করা চলিবে। ইহার পর আর কোন আপীল চলিবে না।

পল্লীতে একটি প্রশ্ন উঠিবে—যে সব মন্দির ও পূজানুষ্ঠান কোন কোন লোকের ব্যক্তিগত মন্দির সেইসব ক্ষেত্রে আইনের সাহায্যে হরিজনদের কোন অধিকার দেওয়া যায় কিনা? এইসব মন্দিরে ও পূজা অনুষ্ঠানে চিরাচরিত প্রথা অনুসারে দেখা যায় এই যে আহূত, অনাহূত এবং রবাহূত সকল শ্রেণীর লোকই যখন প্রবেশাধিকার পায়, তখন হরিজনরাই বা পাইবে না কেন? ব্যক্তিগত পুষ্করিণীতে যেমন জনসাধারণের ঘাটস্বত্ব প্রচলিত আছে এবং জনসাধারণের জল ব্যবহার্য বলিয়া স্থির সিদ্ধান্ত হইয়াছে, তেমনি এই সকল মন্দির ও পূজানুষ্ঠানে হরিজনদেরও প্রবেশাধিকার ও পূজাস্বত্ব অধিকার আছে কিনা, আমি পরিষদকে বিশেষভাবে বিবেচনা করিবার জন্য অনুরোধ জানাইতেছি।

পায়খানা, নর্দমা এবং ময়লা পরিষ্কার, চামড়া তৈরী ও গ্রাম পরিষ্কার কার্যে যাহারা নিযুক্ত এবং ধাত্রীর কাজ যাহারা করিতেছে তাহাদের সুস্থ ও সবল এবং শিক্ষিত করিয়া তুলিবার জন্য আমি মাননীয় সদস্যগণের নিকট কাতর প্রার্থনা জানাইতেছি। ইহাদের অনায়াসেই ইউনিয়ন বোর্ড এবং মিউনিসিপ্যালিটীর দ্বারা পরিষ্কার পরিচ্ছন্নতা শিক্ষা দিবার ব্যবস্থা করিতে পারা যায়। সুখের বিষয় এই যে ইহারা আজকাল অনেকেই আধাসরকারী এবং সরকারী প্রতিষ্ঠানে নিযুক্ত রহিয়াছে। যাহারা প্রতিষ্ঠানভুক্ত নহে, তাহাদেরও সমবায় সমিতির দ্বারা সুসংবদ্ধ ও শক্তিশালী করিবার উপায় আছে। ইহাদের কার্যকালীন পোষাক প্রতিষ্ঠান হইতে সরবরাহ করিবার এবং বাসগৃহ ও নলকূপসমূহ স্থাপন করিবার ব্যবস্থা করিতে হইয়াছে। যদি প্রত্যেক ইউনিয়ন বোর্ড ও মিউনিসিপ্যালিটী আদর্শ পল্লী স্থাপনে উদ্যোগী হন, তাহা হইলে সরকারী তহবিল হইতে অর্থসাহায্য দানেরও ব্যবস্থা করিতে হইবে।

ভাগাড়ে নিক্ষিপ্ত মৃত জীবজন্তুর মাংসাহার আইনের দ্বারা নিষিদ্ধ হওয়া উচিত সেইরূপ মাদক দ্রব্যগুলির দ্বারা সরকার যাহাতে প্রায় অর্দ্ধকোটি টাকা লাইসেন্স ফি আদায় না করেন এবং মাদক দ্রব্যের বহুল প্রচার বন্ধের কঠোর বিধি-ব্যবস্থা করেন, তাহার প্রতি সরকারের দৃষ্টি দেওয়া উচিত। কেন না শতকরা ৯৫ জন বর্ত্তমানে মাদক দ্রব্যের অনুরক্ত। বঙ্গীয় সরকারের ১৯৪৬-৪৭ সালের বাজেটের ৯৩ পৃষ্ঠায় দেখা যায় পশ্চিম বঙ্গের গৃহে এবং গ্রামে গ্রামে তৈয়ারী পচাই মদ বাবদ ৩ লক্ষ ২৯ হাজার টাকা এবং ৩৩ লক্ষ ২৪ হাজার টাকা—একুনে প্রায় ৩৭ লক্ষ টাকা—আবগারী খাতে আয় হইয়াছে। সেইরূপ তাড়ির বাবদ ৯৩ লক্ষ টাকার গাছের ট্যাক্স ও দোকানের লাইসেন্স ফি আদায় হইতেছে। এইজন্য শুধু তাল গুড় ও মিছরী তৈয়ারী কার্যের শত্রুতাসাধন করাই হইতেছে না, হরিজনদেরও খাদ্য-সমস্যার গুরুতর সর্বনাশ সাধন করা হইতেছে। এক্ষেত্রে সরকারকে দৃঢ় হইয়া যেমন ৫০ লক্ষ টাকা আদায় বহিত করিতে হইবে, তেমনি বাড়ীর হস্তে পচাই ও তাড়ির বিরুদ্ধে পুলিস নিযুক্ত করিয়া মাতালের সংখ্যা হ্রাস করা দরকার।

বিদেশী শাসনকর্ত্তারা সাঁওতাল বিদ্রোহের পর সাঁওতালদিগকে ও বায়বেশ দলের স্বাধীন বাংলার সৈনিক বিবেচনা করিয়া ইহাদিগকে দুর্ব্বল ও নিস্তেজ করিবার জন্য পচাই মদ ও তাড়ির ভেণ্ডার স্থাপন ও কূটনৈতিক কৌশল অবলম্বন করিয়াছিলেন। আজ সেই সব ছল, বল ও কৌশল পরিত্যাগ করিয়া জাতির চিন্তাধারার আমূল পরিবর্ত্তন করিতে হইবে।

পরিশেষে নিবেদন, আমার প্রস্তাবগুলি বর্ণহিন্দুদের বিরুদ্ধে অভিযান বলিয়া যেন কেহ মনে না করেন। ইতিমধ্যে কেহ কেহ হরিজন সম্বন্ধে আলোচনা হইতেছে শুনিয়া বিরক্ত হইয়া পড়িতেছেন। তাঁহাদের স্মরণ রাখা উচিত মহাত্মা গান্ধী এখনও হরিজন পত্রিকা এবং হরিজন সেবাসংঘ ও হরিজন উন্নয়ন কাজকে উল্টাইয়া দেন নাই। উপরন্তু বিভিন্ন প্রাদেশিক সরকার এবং বিভিন্ন সেবাপ্রতিষ্ঠান পূর্ণোদ্যমে হরিজনদের জীবনধারণের মানদণ্ডকে উচ্চ করিবার জন্য অধিকতর আকৃষ্ট হইয়াছেন। ইহা ব্যতীত মাননীয় সদস্য মহোদয়গণ বোধ হয় জানেন যে এই ভেদবুদ্ধি ও অস্পৃশ্যতা পাপ প্রবলভাবে বর্ত্তমানে হরিজনদের মধ্যে বিদ্যমান। এই অস্পৃশ্যতা পাপ হরিজনদের স্তরে স্তরে বর্ত্তমানে অধিকতরভাবে কুষ্টরোগের মত প্রবল পরাক্রমে বিরাজ করিতেছে। তাহা যে কবে দূর হইবে তাহা আজও অনেকে কল্পনা করিতে পারেন না। এই কারণে আজিকার সবল ও সক্রিয় সামাজিক জীবন গঠনের জন্য পশ্চিম বঙ্গের নব-প্রতিষ্ঠিত স্বাধীন রাষ্ট্রের সহায়তাপ্রার্থী হইয়াছি।

অত্যন্ত দুঃখের বিষয় স্ত্রীলোকেরা গৃহের কর্ত্রী হইয়া যেমন ভিতর হইতে আজও অস্পৃশ্যতাকে দূরীভূত করিতে পারেন নাই সেইরূপ আমাদের রাষ্ট্রকেও নানা সমস্যায় বিব্রত হইয়া পড়িতে হইতেছে। অবগত হইয়াছি, বাংলাদেশে লীগ মন্ত্রিমণ্ডলী গত ১৯৪৬-৪৭ সালের বাজেটে ১০ লক্ষ টাকা তপশীলদের

শিক্ষার জন্য বরাদ্দ করিয়াছিলেন। কিন্তু ১৯৪৫-৪৬ সালের ন্যায়ই ৫ লক্ষ টাকা বাস্তবে ধার্য্য হইয়াছিল। গত ১৫ই আগষ্টের পর ১৯৪৭-৪৮ সালের বর্ত্তমান সময়ে উক্ত ৫ লক্ষ টাকাকে আমাদের শিক্ষা-মন্ত্রী মহোদয় সমূলে উচ্ছেদ করিয়াছেন। ইহা অবগত হইয়া আমরা বিচলিত হই নাই, তবে এ বিষয় পরিষদ সদস্যদের সহিত তিনি এবং অর্থ বিভাগের মাননীয় মন্ত্রী মহাশয় আজ পর্য্যন্ত কোন পরামর্শ করিবার আবশ্যক বোধ করেন নাই বলিয়াই বিস্মিত হইয়াছি। শুনিতেছি কলিকাতার ছাত্রাবাসে ২০০ জন ছাত্রের মধ্যে মাত্র ৪২ জন তপশীলি ছাত্রের স্থান দেওয়া হইয়াছে। এক্ষেত্রে মাননীয় শিক্ষা-মন্ত্রী এবং শিক্ষাব্রতীদের নিকট আমার নিবেদন, যখন ১০ বৎসরের মধ্যে তপশীলি আখ্যা অবলুপ্ত হইবে, তখন যাহারা শিক্ষায় পশ্চাৎপদ এবং অনুন্নত তাহাদের যোগ্যতর করিবার গুরু দায়িত্বভার গ্রহণ করিতে হইবে। সকলের জন্য যে শিশুশিক্ষাকে বাধ্যতামূলক করা হইবে তাহার গতিভঙ্গীর দিকে বিশেষ লক্ষ্য রাখিতে হইবে। হরিজন শিশুরা প্রতিদিন ২৪ ঘণ্টা ব্যাপী যে অশিক্ষার অন্ধকার গহ্বরে রহিয়াছে, সেখান হইতে মাত্র চারি ঘণ্টার জন্য শিক্ষালয়ে আনিয়া কোন শিক্ষার আয়োজন করিলে তাহাতে তাহাদের মানসিক কোন পরিবর্ত্তন ঘটিবে না তাহাদের চেতনাতে সর্ব্বদা কাজ করাইয়া বুদ্ধিবৃত্তিকে জাগ্রত করিতে হইবে এবং সৎসঙ্গীর সাহায্যে নির্ব্বুদ্ধিতার বিনাশসাধন করিতে হইবে। ইহা ব্যতীত গ্রামে গ্রামে বয়স্কদের শিক্ষাকেন্দ্র গড়িয়া তুলিয়া এমন আবহাওয়ার সৃষ্টি করিতে হইবে যাহাতে মাদক দ্রব্যের আয়োজনের ঘাঁটিগুলিও বন্ধ হয়, জুয়াখেলা উচ্ছেদ হয় এবং স্ত্রীজাতির উপর মানসিক উন্নতিসাধন হইতে পারে।

এ প্রসঙ্গে বলিতেছি যে কারিগরি, কৃষি, ডাক্তারী এবং বৈজ্ঞানিক উচ্চশিক্ষার এমন ব্যবস্থা করিতে হইবে যাহাতে প্রতি জেলায় বৎসরে অন্ততঃ ১০ জন করিয়া তপশীলি শ্রেণীর ছাত্র যোগ্যতা অর্জন করিতে পারে। ম্যাট্রিক পাশের পর অনেককে দ্বিতীয় ও তৃতীয় বিভাগে উত্তীর্ণ বলিয়া এই উচ্চশিক্ষা লাভের স্থান হইতে বঞ্চিত করিলে হরিজনরা কোন প্রকারেই ইতিমধ্যে যোগ্যতর হইতে পারিবে না।

আমাদের বিদ্যালয়সমূহকে এইরূপভাবে গঠন করিতে হইবে যাহাতে বাস্তব অভিজ্ঞতার দ্বারা তাহারা হরিজন সমস্যার সমাধান নূতন কিছু উদ্ভাবন ও অভিজ্ঞতা অর্জন করিয়া দাঁড়াইয়া থাকিতে পারে। বিদ্যালয়গুলিই জাতীয় চিন্তাধারার পরিবর্ত্তন সাধন করিয়া সরকারের দৃষ্টিকে রূপ দিবে এবং গ্রাম্য শক্তি সংগঠন হিসাবে পরস্পরের সহযোগিতায় দেশকে গড়িয়া তুলিবে। এইরূপ বহুমুখী কর্ম্মের ক্ষেত্রে দেশের শিক্ষাব্রতী এবং বিদ্যালয়ই আমাদের প্রধান অবলম্বন। এই বিদ্যালয়েই নিম্নলিখিত বাস্তব সমস্যার সমাধান হইবে,

(১) সরকারী মনোনয়ন প্রথা উচ্ছেদপ্রাপ্ত তপশীলিদের প্রতিনিধিহীন ইউনিয়ন বোর্ড ও জেলা বোর্ড পরিচালনার দুর্নীতি দমন,

(২) সরকারী খাস পতিত জমি জনগণের সমবায়ে বন্দোবস্ত ও উৎপাদন বৃদ্ধি,

(৩) জমিদারী প্রথা অবিলম্বে উচ্ছেদ আয়োজন না করায় জনসাধারণ ও কৃষিমজুরের আর্থিক ক্ষতি প্রভৃতি,

(৪) শারীরিক, পারিপার্শ্বিক এবং শিক্ষার প্রতি আগ্রহ বৃদ্ধি করিবার জন্য পল্লীতে পল্লীতে হরিজন সেবকসংঘের দল গঠনে সরকারের উপেক্ষা ও অবজ্ঞা ভাব ইত্যাদি।

আজ এই প্রস্তাব উত্থাপিত করিয়া বলিতেছি যে গণতন্ত্র ও সাম্যের নীতিতে পশ্চিম বঙ্গের রাষ্ট্র অতি সত্বর হরিজন উন্নয়ন বিভাগ স্থাপন করুন। শিক্ষার উন্নতিকল্পে মাদ্রাজ, বোম্বাই ও উড়িষ্যা গভর্ণমেণ্ট যেরূপ টাকা বরাদ্দ করিয়াছেন এবং ব্যয় স্বীকার করিয়া হরিজনদের উন্নয়নের জন্য বদ্ধপরিকর হইয়াছেন, তেমনি আজ সেই আদর্শের উদ্দেশ্যে পশ্চিম বঙ্গের রাষ্ট্র নব আলোকপাত করিয়া ভারতকে আলোকিত করুন। নেতাজীর দেশে, রবীন্দ্রনাথের জন্মভূমিতে আমরা এই আশা-আকাঙ্ক্ষাই পোষণ করি।

"জয় হিন্দ"

Sri JYOTI BASU: Mr. Speaker, Sir, I wholeheartedly associate myself with the resolution which has just been moved and also with most of the things that the honourable member has said on this resolution.

I feel, as a progressive humanity has felt in our country, that untouchability is really a blot on any society. Especially those who have been anti-imperialists have felt that this is one of the obstacles in our society

because of which we could not move forward still faster. Still the point arises as to how, in what way, we can really do anything for uplift of this class of people in our society, because we know that as long as they remain as they are, if their social position continues to be what it is, then it will mean a constant source of conflict within the society, and leaders will arise who will surely lead these people astray if Government and the society do not themselves do anything for them, because a time will surely come, as it is coming, when the free air of the whole world will touch our untouchables in our country, and they will rise to tear asunder the chains by which they are bound. But I feel all the same that merely recognising the right of these people is not sufficient. Merely passing legislation is not sufficient. As the former speaker has made it quite clear that unless their social and economic position is altered swiftly, immediately, unless it is the deepest purpose of the Government to forthwith move in the matter it will be impossible to carry this task forward. I feel that one of the major things to be done in this respect is that the zemindary system must be abolished immediately. If at all we are serious about doing anything for the untouchables in this country, because most of these untouchables are *kisans*, and unless without compensation we can get rid of zemindaries it would mean that whatever we may do by throwing open the temples or whatever we may do by throwing open a few hostels for school or college boys in Calcutta we shall not touch a fringe of the problem. We know that even in a place like Bombay in certain departments in the textile industries untouchables are not allowed to enter and work.

(At this stage Mr. Deputy Speaker took the Chair.)

From the fact that that sort of thing can take place in a metropolis like Bombay I can quite realise as to why leaders of untouchables, when they speak against progress they get a hearing from lakhs of untouchables in this country. That is why, Mr. Deputy Speaker, without further wasting time I should say that if in Bengal we have to begin this enlightenment then every Government official must be told together with laws being passed that not merely would it be a crime against anybody if he pleads for untouchability but we must bring forward social and economic measures by which we can within, say, 2, 3, 4 or 5 years see that there really is an improvement of their position in the society, that they by themselves, by their own leaders, by the men who will rise from the bottom will make a position for themselves in the society. Otherwise we know that in the statute book we may have wonderful laws but nothing is going to happen We know that in America, for instance, they think they have a very enlightened society, and they talk of democracy, and in their codes from the days of Lincoln and Washington there were wonderful laws, but we know that negroes are lynched in America. We know that negroes are untouchables in America. If anybody enters a hotel, if any dark person enters a hotel, Americans go out of that hotel. Mr. Deputy Speaker, that is our lesson. Without real economic benefit for these people, nothing can be done by merely throwing open a few temples or a few hotels or opening a few hostels and so on.

Mr. MD. KHUDA BUKHSH: Mr. Deputy Speaker, Sir, if it were not a fact it would appear incredible that a resolution of this description was at all necessary at these times when we have attained a good measure of democracy. We find to our discomfiture that a resolution of this type has at all to be moved. I should have been better pleased if this resolution were moved by a Caste Hindu. When moved by a Scheduled Caste member this resolution looked like a petition made by a person of the Scheduled Castes to remove certain disabilities that he has been labouring under. Sir, merely passing of this resolution will not do. What his community needed is a change of heart in my Hindu brethren. As a Muslim I cannot indeed conceive of anything so preposterous that places of worship should be barred against certain individuals professing the same faith. Our temples of

worship are open to all and there is not a single one professing our faith who is debarred from entering any of our places of worship. I have heard with dismay that Rs. ten lakhs earmarked for spending for the Scheduled Caste education has not been spent. The honourable mover has said that out of that sum only Rs. five lakhs has been spent. I request the present Government to make good that five lakhs on the top of what they themselves intend to spend for the upliftment of the down-trodden scheduled caste members. With these words, Sir, I support the resolution.

Sri HARENDRA NATH DOLUI : Mr Deputy Speaker, Sir, আজকে এই পরিষদ-গৃহে শ্রীযুক্ত যজ্ঞেশ্বর রায় প্রমুখ বন্ধুগণ যে প্রস্তাবটি উত্থাপন করেছেন, আমি সর্বান্তঃকরণে সেই প্রস্তাব সমর্থন করতে উঠে মাত্র কয়েকটি কথা বলতে চাই। আমাদের বাংলাদেশে তথা সমগ্র ভারতবর্ষে যদি জনশক্তি বৃদ্ধি করতে হয়, তবে আমাদের দেশ ও সমাজ থেকে এই অস্পৃশ্যতা-বিষ একেবারে তুলে দিতে হবে। এই অস্পৃশ্যতা মহাপাপ অল্প অল্প করে আমাদের সমাজকে এবং আমাদের জাতিকে একতার সূত্র হতে বিচ্ছিন্ন করে দিচ্ছে। যদি একসঙ্গে ও একযোগে আমাদের দেশকে বড় করতে হয়, তবে পরস্পর পরস্পরের সঙ্গে প্রীতি ও ভালবাসার মিলন চাই। এই মিলনের একটা মস্ত অন্তরায় হচ্ছে এই অস্পৃশ্যতা। ভারতবর্ষের মাদ্রাজ প্রভৃতি নানা প্রদেশে যে রকম প্রবলভাবে এই অস্পৃশ্যতার বিষ ছড়িয়ে রয়েছে, সে কথা ভাবলে বাস্তবিকই প্রত্যেক মনীষী ব্যক্তিকেই অত্যন্ত ব্যথিত হতে হয়। আমাদের বাংলাদেশেও সেটা কম নয়। মন্দিরে বা কোন খাদ্যদ্রব্য খাওয়াদাওয়ার সময় তাদের জল অচল বলে ঘৃণা হয়। আমি জানি আমাদের অঞ্চলেতে কোন এক গ্রামে জোতদারদের সঙ্গে কৃষক ও মজুরদের একটা দ্বন্দ্ব হয়েছিল। সেখানের অধিকাংশ মজুর প্রায় সকলে ছিল এই scheduled caste বা যাহাদিগকে অস্পৃশ্য বলা হয় বা যাহাদিগকে অস্পৃশ্যতা দোষে দুষ্ট বলে সমাজ থেকে দূরে রাখা হয়। তারা সেদিন বলেছিল, আমরা শ্রম করি, কিন্তু শ্রমিক বলে আমাদিগকে ঘৃণা করা হয়। আমাদের জল স্পর্শযোগ্য বলে বিবেচিত হয় না। কোন বাড়ীতে কোন পাত্রে যদি খাদ্যদ্রব্য খেতে দেওয়া হয়, আমরা সেই সমস্ত পাত্র স্পর্শ করলেই তা গরম জলে ধুইয়ে ও স্থানটি গোময় দিয়ে শুদ্ধ করে দিতে হয়। এতে আমাদের প্রাণে বড়ই আঘাত লাগে। আমরা পারিশ্রমিক পাই বটে কিন্তু এইরূপ আচরণে আমাদের অন্তরে বড়ই ব্যথা লাগে। সেই জন্য আমরা স্থির করেছি, যে সমস্ত কৃষক ও শ্রমিক আমরা আছি, এ বছর আর আমরা কেহ পাকা ধান কাটব না। বিষম সমস্যা হয়ে উঠেছিল। সেখানে আমাদের কংগ্রেসের তরফ থেকে meeting ডাকতে হয়েছিল এবং বহু লোক, বর্ণহিন্দু এবং এই অস্পৃশ্য হিন্দু ও সেই সমস্তই জুটেছিল। তার ভিতর এই কথাই উঠলো যে ওঁরা যদি আমাদিগকে ভালবাসার চক্ষে না দেখেন, আমাদিগকে অস্পৃশ্য বলে দূরে রাখতে চান, তাহ'লে সমাজের যে সমস্ত কাজ আমাদের দ্বারা হয়, আমরা সেগুলি কি ক'রে করতে পারি? আমরা করবো না, অন্য কাজে আমরা যাবো। যারা জমির মালিক তাদের আমরা চাষবাস করতে আর যাবো না। তখন ধান কাটবার সময়। ধান পেকে আছে। মাঠেতে ধান পড়ে থাকে, কেহ কাটতে আসে না। শেষে একটা committee ক'রে তাদের সেই সমস্যা সমাধানের ব্যবস্থা করতে হয়েছিল। আমরা আজ অস্পৃশ্য বা scheduled caste হিসাবে সংখ্যায় যে অল্প আছি তা নয়। একযোগে কাজ করতে হলে তাদেরও সমাজে প্রয়োজন আছে। এমন কি হিন্দু-মুসলমান সকলেরই প্রয়োজন আছে। একযোগে আমরা এই ভারতবর্ষকে তথা বাংলাকে বড় করতে চাই। এই বড় করবার একটা মস্ত অন্তরায় হচ্ছে এই অস্পৃশ্যতা। ভালবাসা—এই জিনিষটি যদি আমরা পরস্পরের মধ্যে না রাখতে পারি তাহ'লে আমরা বাংলাকে বা ভারতবর্ষকে বড় করতে পারবো না। Government এ বিষয়ে চেষ্টা করবেন সত্য, কিন্তু তাছাড়া আমাদের যে সব বর্ণহিন্দুরা রয়েছেন, তাঁদের কর্তব্য এগিয়ে আসা, তাহাদিগকে ভালবাসা দিয়ে ডেকে নেওয়া। তাঁরা হয়ত বলতে পারেন যে তারা অশিক্ষিত, তারা অসভ্য, তাদের সঙ্গে আমরা কি ক'রে মিশতে পারি। কিন্তু তাঁদের উচিত আগে তাদের কলঙ্ক বা তারা যে সমস্ত নোংরা অবস্থায় জড়িত আছে সেগুলি মুছে দেবার চেষ্টা করা। অশিক্ষা এবং অভাবে তারা আজ জর্জরিত হয়ে রয়েছে; সেগুলি মোচন করবার জন্য তাদের নিকট এগিয়ে যাওয়া দরকার। তাদের প্রায় অধিকাংশ লোক দিন আনে দিন খায়। তাদের ভবিষ্যতের সঞ্চয় কিছু থাকে না। ছেলেবেলা থেকে শিক্ষা বা সভ্যতার আলোকে আসবার সুযোগ তারা পায় না। তাই ব'লে আমাদের বর্ণহিন্দুদের প্রথম কর্তব্য তাদের আপনার বলে টেনে নেওয়া, অস্পৃশ্য বলে ঘৃণা না করা; ভালবাসার ভিতর দিয়ে তাদের টেনে আনা। এই জিনিষটার দিকে লক্ষ্য রাখা প্রত্যেক মানুষেরই কর্তব্য। তাই তাদের শিক্ষা,

তাদের আর্থিক উন্নতি এবং স্বাস্থ্যের উন্নতির দিকে লক্ষ্য রেখে যদি আমাদের বাংলা Government-এর মধ্যে দিয়ে আমাদের বর্ণহিন্দুরা প্রত্যেকেই চেষ্টা করেন, তাহ'লে আমার মনে হয় যে আমরা সকলেই একতাসূত্রে আবদ্ধ হ'তে পারবো এবং সেই একতার সাহায্যেতে আমরা একটা বড় জাতিতে পরিগণিত হয়ে উঠতে পারবো।

Sri BEPIN BEHARI GANGULI: মিঃ ডেপুটি স্পীকার, স্যার, আজ অনুন্নত ও উন্নত শ্রেণীর কথা উঠেছে, এবং তার ভিতর যে অস্পৃশ্যতা রয়েছে সে বিষয়ে কোন সন্দেহ নাই।

অস্পৃশ্যতা দূর করবার জন্য চেষ্টা কংগ্রেস করেছেন; এবং অনেক বুদ্ধিমান, বিচক্ষণ ব্যক্তি, যাঁদের সমাজপদ্ধতি সম্বন্ধে যথেষ্ট জ্ঞান আছে, তাঁরাও এই সম্পর্কে চেষ্টা করেছেন। এই চেষ্টা কিছুদিন আগে থেকে হচ্ছে বটে। যখন আমাদের জন্ম হয়নি, তখন থেকে এই চেষ্টা ক'রে আসা সত্ত্বেও কেন যে এটা দূর করা যায়নি তা আমি বলতে পারি না। পূর্ব্বে আমাদের দেশে উন্নত শ্রেণী ও অনুন্নত শ্রেণী ব'লে তফাৎ ছিল না যখন খৃষ্টানরা এদেশে প্রথম এলেন। সে অনেকদিন আগেকার কথা—হাজার বৎসর আগেকার কথা—মাদ্রাজের অঞ্চলে তারা কিছু কিছু বসতি স্থাপন করেছিল এবং কতকগুলি লোককে তারা খৃষ্টান ধর্ম্মে দীক্ষিত করেছিল। যাদের খৃষ্টান ধর্ম্মে দীক্ষিত করলেন তাদের থেকে অন্যান্য যারা হিন্দু ছিল, তাদের মধ্যে একটা পার্থক্য এসে পড়েছিল। এই রকম ধরণের পার্থক্য পূর্ব্বে আমাদের দেশে ছিল না। ইংরাজদের শুভাগমনের পরে, ১৮৫০ সালের পরে যখন কলিকাতা বিশ্ববিদ্যালয় স্থাপিত হ'ল তখন এমনভাবে শিক্ষাদীক্ষা আমাদের ভিতর এসে পড়ল যার ভিতর অনুন্নত ও উন্নত এই দুটি ভাগ আরও বেশী জোরাল হয়ে উঠল। তারপর কংগ্রেস বহুবার চেষ্টা করেছেন এটা দূর করবার জন্য। সম্পূর্ণভাবে সফলতা অর্জ্জন করতে না পারলেও আজ জনসাধারণের মধ্যে একটা সত্যিকারের মনোভাব জাগ্রত হ'য়ে উঠেছে যে এই প্রভেদ আমরা রাখবো না। তাই আজকার যুবক এবং তরুণদের সঙ্গে যখন কথাবার্ত্তা বলি তখন তাঁরা সুস্পষ্টভাবে বলেন, "এই যে পুরাতন প্রথা, একে ভেঙ্গে চুরমার ক'রে দিয়ে সমাজকে নূতনভাবে সংগঠিত করতে হবে"।

হিন্দু-মুসলমান দুই জাতি এই একটা ভাব আজ এসে পড়েছে দেশের মধ্যে, কিন্তু দুই জাতি পূর্ব্বে তো ছিল না। তারপর নানারকম মনোভাব এসে পড়েছে, এবং বাইরের বিদেশী শিক্ষা আমাদের এদেশে প্রবেশলাভ করাতে এই পার্থক্য ক্রমে ক্রমে অত্যন্ত জটিলতার সৃষ্টি করেছে। কলিকাতা বিশ্ববিদ্যালয় স্থাপিত হবার পরে, যবে থেকে ইংরাজদের দরকার হয়েছিল কতকগুলি কেরাণী, কতকগুলি ডাক্তার, কতকগুলি উকিল ও কতকগুলি জমিদার, তখন থেকে এই সমস্ত সৃষ্টি হ'ল। এ সৃষ্টি হয়েছিল ইংরাজদের আসবার পরে এবং ঊনবিংশ শতাব্দীর মধ্যভাগে। এই যে প্রভেদ সৃষ্টি হ'ল দেশের মধ্যে, তখন থেকে উচ্চবর্ণ এবং নিম্নবর্ণদের মধ্যে একটা বিশেষ পার্থক্য এসে দেখা দিল। বাইরের বিদেশীরা যে এই জিনিষটাতে আরও বেশী বিশৃঙ্খলা আনয়ন করেছিলেন সে বিষয়ে সন্দেহ নাই। আমরা নিজেদের নিজেরাই এক ক'রে নিতে পারতাম যদি আমাদের দেশ পরিপূর্ণভাবে স্বাধীন থাকত; এবং বিদেশী শিক্ষাদীক্ষা এইরকমভাবে আমাদের দেশে না আসত। আমরা নিজেদের সত্তা বজায় রেখে যদি বাইরের শিক্ষা আমাদের শিক্ষার সঙ্গে মিলিয়ে নিতে পারতাম তাহ'লে অনুন্নত এবং উন্নত এই দুই ভাগ থাকতে পারত না। কাজেই আজিকার দিনে যখন এইরকম একটা প্রস্তাব আমাদের এই কনষ্টিটুয়েণ্ট এসেম্বলী সভায় এসেছে আমি তাকে পূর্ণ সমর্থন করছি। সভ্যতা মানুষের দরকার। কিন্তু মানুষের শিক্ষার সঙ্গে সঙ্গে দেখা যায় যে সৎ এবং অসৎ ভাব দুইটাই এসে থাকে। কলিকাতা বিশ্ববিদ্যালয় যবে থেকে সৃষ্টি হ'ল, যবে থেকে পুঁজিপতি সমাজের কর্ত্তৃত্ব দেশের মধ্যে এসে পড়ল, তখনই এই প্রভেদ আরও বেশী জটিলতার সৃষ্টি করল। যদি আমাদের দেশে সেইভাবের সাম্যভাব আসে, তাহ'লে সেইভাবের সাম্যভাব লইয়া পরে উন্নত ও অনুন্নত শ্রেণী—এই দুই ভাগে বিভক্ত হয়ে থাকতে পারবে না দেশ। এবং আমরা সকলে মিলে যদি সেইরকম শিক্ষা প্রবর্ত্তন করতে পারি, অফিসিয়াল ও নন্-অফিসিয়াল সকলে মিলে যদি গ্রামে ফিরে গিয়ে একত্রে কাজ করতে পারি, তাহ'লে সমাজে অস্পৃশ্যতা টিকিয়া থাকিতে পারিবে না। যাঁরা শিক্ষিত তাঁরা গ্রাম থেকে বেরিয়ে আসার দরুণই গ্রামগুলি কুসংস্কারে পূর্ণ হয়ে রয়েছে, সেখানে প্রকৃত শিক্ষাদীক্ষার অভাব হয়েছে। "Back to the village, back to the village" ব'লে কেবল চীৎকার করলে আর চলে না, অনেক সময় সেইটাই হয়েছে সবচেয়ে বেশী আমাদের দুরবস্থার কারণ। প্রকৃত শিক্ষালাভ ক'রে ঠিক সাধারণের মত জীবনযাপন নির্ব্বাহ করব এই মনোভাব যদি আমাদের প্রত্যেকের ভিতর আসে, তাহ'লে অনুন্নত, উন্নত বা অস্পৃশ্যতা এই সমস্ত প্রভেদগুলি আর টিকে থাকতে পারবে না।

তাই আমি বিশ্বাস করি যে কনস্টিটুয়েন্ট এসেম্বলী থেকে যে প্রস্তাব গ্রহণ করা হয়েছে, আজকে আমরা এখানে যদি সেই প্রস্তাব সর্বসম্মতিক্রমে গ্রহণ করতে পারি এবং আমাদের প্রত্যেকটি সভ্য সেইরকমভাবে যদি গ্রহণ করতে প্রস্তুত হন তাহ'লে উন্নত, অনুন্নত শ্রেণী বলে এই দুই ভাগ আর থাকবে না এবং অস্পৃশ্যতা নির্ম্মূল হয়ে যাবে। আমি বিশ্বাস করি অন্ততঃ এই পশ্চিম বঙ্গে হিন্দু-মুসলমানের প্রভেদ ঘুচে যাবে যদি আমরা পরস্পর পরস্পরকে ভালভাবে চিনে নিতে পারি এবং পরস্পরকে শ্রদ্ধার চক্ষে দেখি। এটাও আমি আশা করি যে, অন্যায়, অত্যাচার দ্বারা প্রপীড়িত হয়ে সমাজে যে সমস্ত বিশৃঙ্খলা এসেছে সেগুলিও দূর হয়ে যাবে। আমি এই প্রস্তাব সর্বান্তঃকরণে সমর্থন করছি।

Sri RATANLAL BRAHMIN: Mananiya Deputy Speaker Saheb! Is parastao ko jo laye hain hum usko samarthan kartey hain. Hum jat ke Nepali hain aur hamare Nepali ke under bhi yeh chua chut, chotejat, bare-jat ka bohut jhagra hai. Bohut zara zara bat men chut chat hai. Is liay hum log bohut barbadi men pare huey hain. Is liay jo log janta ka kam kartey hain, janta ki unnati aur achaie ka rasta nikalte hain aur jo bandhu perastao laye hain, hum unko dhannabad dete hain Aur jetne member hain unsey bhi asha kartey hain ke wah bhi parastao ka sath denge. Jabke hamara desh abhi swadhin hua hai agar sabkoie baraber na honge to bohut takleef hogi Aur kam theek nahi chalega. Bare bare log agar jati jhagre men perjaenge to chote admi kiya karenge Isko hatana chahiey. Gharib log jo khana naheen pate hain wah pachis (25) tees (30) rupia lekar upna jat denge. Is leay aj hum is parastao ko jo laya giya hai isko redhai sey samardhan kartey hain Yehan per khali pass karne sey naheen hoga bulke hamarey jo achuti bhai log hain wah bohut gharib hain, hazaron men ek admi ke mun men, khana kharak pohunchta hai. Unke liay jahantak hosakey sirkar unke khana ka, pahanna ka saman kare, aur parhne ka school ka bandobust karenge

Sri KANAI LAL DAS: Mr Deputy Speaker, Sir, মাননীয় বন্ধু শ্রীযুক্ত নিকুঞ্জবিহারী মাঝি আজ যে প্রস্তাব এই Houseএ উত্থাপন করেছেন, আমি সেটা সমর্থন করছি। সত্যই যতদিন থেকে কংগ্রেসের কর্ণধাররূপে মহাত্মা গান্ধী এসেন, ততদিন থেকে আমরা দেখতে পাই যে দেশের যাতে প্রকৃত উন্নতি হয় তদুদ্দেশ্যে তিনি অস্পৃশ্যতা নিবারণের জন্য যথাসাধ্য চেষ্টা করছেন। তাঁর এই চেষ্টাতে দেখা যায় যে, আজকে যখন দেশ স্বাধীন হয়েছে, তখন দেখা যাচ্ছে যে গণপরিষদে এই আইন লিপিবদ্ধ হচ্ছে যাতে আমাদের দেশ থেকে সম্পূর্ণভাবে এই অস্পৃশ্যতা উঠে যায়। বাস্তবিক যদি দেশের প্রকৃত উন্নতি করতে হয়, তাহ'লে আমাদের মধ্যে যে অস্পৃশ্যতা আছে, সেটা সম্পূর্ণভাবে নির্ম্মূল করা প্রয়োজন। আমরা দেখতে পাই যে দেশের জনসাধারণের মধ্যে অস্পৃশ্য শ্রেণী সংখ্যায় অল্প নহে। অস্পৃশ্য জাতিরা যদি সর্বদিক দিয়ে পদানত হয়ে থাকে, তাহ'লে সেটা দেশের পক্ষে গৌরবের বিষয় নয়। এতে দেশকে অবনতির দিকে টেনে নিয়ে যাবে। সেই জন্য ভারত গণপরিষদে যে আইনটা আনা হয়েছে, তার জন্য আমরা আনন্দ প্রকাশ করছি।

ডেপুটি স্পীকার, মহাশয়, অস্পৃশ্যতাকে নিবারণের জন্য যে সমস্ত নিয়ম হচ্ছে, খালি সেই নিয়ম করলেই চলবে না। যাতে প্রকৃতই অস্পৃশ্যতা দেশ থেকে সমূলে উৎপাটিত হয়, তার ব্যবস্থা করা উচিত। কারণ আমরা জানি নিয়ম অনেক সময় হয়, কিন্তু সেই নিয়মকে violate ক'রে থাকে অনেকেই।

মিষ্টার ডেপুটি স্পীকার, স্যার, আজ দেখা যায় যে সর্দা আইন পাশ হয়েছে বাল্য-বিবাহ নিবারণ করার জন্য, কিন্তু প্রত্যেক ঘরে কি হচ্ছে? আমরা সেদিকে কোনরকম লক্ষ্য রাখি না। সেজন্য আইন এরকম হওয়া উচিত যাতে ভালভাবে আইনের কার্যক্ষমতা থাকে। আমি আর একটি কথা বলতে চাই; সেটা এই যে কোন জাতিকে বা কোন সম্প্রদায়কে উন্নত করতে গেলে তাকে রাজনৈতিক অধিকার যদি সম্পূর্ণরূপে দেওয়া যায় তবেই তার সেই উন্নতি হ'তে পারে। আর এই রাজনৈতিক অধিকার না পেলে কোন জাতি কিছুতেই উন্নত থাকতে পারে না। আজ মহাত্মা গান্ধীর চেষ্টায় এবং কংগ্রেসের কল্যাণে কেবল বাংলাদেশে কেন সমস্ত ভারতবর্ষে সেডিউল্ড হিন্দুরা এই অধিকার পেয়েছে। এইজন্যই দেখা যায় প্রত্যেক provinceএ আইন সভায় তারা স্থান পেয়েছে। কিন্তু এর সঙ্গে আর একটা কথা মনে পড়ে। যেহেতু scheduled casteরা রাজনৈতিক অধিকার পেয়েছে, সেই হেতু সেটাকে খর্ব্ব করার জন্য দেখা যায় যে একদল (হিন্দু মহাসভা) হিন্দু চেষ্টা করেছেন। আপনারা যদি ৩।৪ বছর

পিছনের দিকে চলে যান তাহ'লে দেখবেন ১৯৪১ সালের সেন্সাস যখন তৈরী হয় তখন একদল হিন্দু চেষ্টা করেন যে সকলেই যেন হিন্দু বোলে পরিচয় দেন যাতে scheduled casteএর কোন সংখ্যার উল্লেখ না থাকে। তারই দরুণ দেখা যায় যে কর্পোরেশনে scheduled caste memberদের সংখ্যা কমে গেছে। আর এই ১৯৪১ সালের সেন্সাসের দরুণ ভবিষ্যতে Assemblyতেও আমাদের সংখ্যা বোধ হয় বহুলাংশে কমে যাবে। সেই জন্য আমি বলতে চাই আমাদের এখানে যে সব মাননীয় সদস্য আছেন তাঁরা চেষ্টা করুন যাতে রাজনৈতিক দিক দিয়ে তাদের দমন কোরে রাখা না হয়। এই বোলে আমি এই প্রস্তাব সমর্থন করছি।

Mr. MAHAMMAD SAYEED MIA: মাননীয় ডেপুটি স্পীকার মহোদয়! ভারতীয় গণপরিষদে অস্পৃশ্যতাকে দণ্ডযোগ্য বোলে যে ঘোষণা করা হয়েছে এবং সেজন্য আজ আমাদের এখানে এই যে প্রস্তাব আনয়ন করা হয়েছে সেই প্রস্তাবকে বাস্তবিক অন্তরের সহিত অভিনন্দন জানাচ্ছি। আমরা স্বাধীন হয়েছি; স্বাধীন ভারতের নাগরিক হিসাবে আজ আমাদের রাষ্ট্রকে শক্তিশালী কোরে তোলবার জন্য আমাদের ভিতরে যত কিছু আবর্জ্জনা এতকাল ধরে সঞ্চিত হয়েছে সেগুলো দূর করবার জন্য আজ বাস্তবিকই আমরা সময় পেয়েছি। আজ আমাদের রাষ্ট্রের প্রত্যেক অঙ্গকে, প্রত্যেক অংশকে শক্তিশালী কোরে তুলতে হবে এবং প্রত্যেক মানুষকে সেইভাবে গড়ে তুলতে হবে। অস্পৃশ্যতা বাস্তবিকই আমাদের সমাজজীবনে মস্তবড় কলঙ্ক। এই অস্পৃশ্যতার অভিশাপ তিল তিল কোরে দিনের পর দিন আমাদের সমাজজীবনকে বাস্তবিক অধঃপতন এবং লাঞ্ছনার শেষ সীমায় নিয়ে গিয়েছে। আর এই সম্পর্কে রবি ঠাকুরের লেখনীপ্রসূত কথা কয়টি মনে আসে—

হে মোর অভাগা দেশ, যাদের করেছ অপমান
অপমানে হতে হবে তাহাদের সবার সমান।
তুমি যারে ফেল নীচে সে তোমারে ফেলিবে নীচে,
পশ্চাতে রাখিছ যারে সে তোমারে পশ্চাতে টানিছে।
তোমার মঙ্গল ঢাকি গড়িছে সে ঘোর ব্যবধান
অপমানে হতে হবে তাহাদের সবার সমান।

আজ আমাদের রাষ্ট্রকে শক্তিশালী এবং পৃথিবীর সামনে একটা গৌরবময় স্থান দখল করবার জন্য আমাদের যখন বিরাট অভিযান চালাতে হবে সেই মুহূর্তে আমাদের ভিতরকার যত কিছু অস্পৃশ্যতারূপ আবর্জ্জনা সব দূর কোরে দিয়ে প্রত্যেক মানুষকে সমান অধিকার দিতে হবে। আজ শুধু এই কথাই ভাবতে হবে যে "সবার উপরে মানুষ সত্য—তাহার উপরে নাই"। এই মানুষকে আমাদের মানুষ কোরে তুলতে হবে এবং প্রত্যেক মানুষকে সমান অধিকার দিতে হবে।

বর্ণহিন্দু ভাইয়েরা হয়ত জানেন না যে অস্পৃশ্যতা জিনিষটা কত খারাপ। ব্যক্তিগতভাবে এর গ্লানি তাঁরা ভোগ করেন না, কিন্তু আমরা মুসলমানেরা সেটা কিছু কিছু অনুভব করেছি। খাবার জায়গায়, দোকানে, হোটেলে বা অন্যান্য জায়গায় আমরা যেভাবের ব্যবহার পেয়েছি তাতে আমরা অস্পৃশ্য ভাইদের সঙ্গে হাত মিলিয়ে বুঝতে পারি যে কতখানি লাঞ্ছনা এবং অপমানের ভিতর দিয়ে মানুষকে দিন কাটাতে হয়। আজ এই শুভ মুহূর্তে যখন স্বাধীন ভারতের নাগরিক হিসাবে এক জাতি হয়ে ভারতবর্ষময় এক রাষ্ট্র গড়ে তুলতে চলেছি, তখন এজিনিষটা দেরীতে হলেও better late than never. সেই জন্য আমি আজ আন্তরিকভাবে বলব যে এর চেয়ে গৌরবময় কোন প্রস্তাব বোধ হয় দেশের সম্মুখে আসেনি। এই পবিত্র buildingএ এমন একটা পবিত্র প্রস্তাব আজ দেরীতে হ'লেও আমি সেটার জন্য আন্তরিকভাবে অভিনন্দন জানাচ্ছি এবং প্রত্যেক সদস্য ভাইকে অনুরোধ করছি যে বাস্তবিক অস্পৃশ্যতা বর্জ্জনকে সাফল্যমণ্ডিত করবার জন্য আমাদের সমস্ত শক্তিই সেদিকে নিয়োজিত করতে হবে এবং বাংলার প্রত্যেকটি নাগরিককে সুষ্ঠু, শক্তিশালী, উন্নত এবং শিক্ষিত কোরে তুলতে হবে। আর তার ফলে আমরা যেন বুক ফুলিয়ে পৃথিবীতে চলতে পারি এবং ভারতকে শ্রেষ্ঠ আসনে সমাসীন করতে পারি।

এই কয়টি কথা বোলে আমি এই প্রস্তাবকে অন্তরের সহিত সমর্থন করছি।

Sri J. C. GUPTA: Mr. Deputy Speaker, Sir, my honourable friend Mr. Khuda Bukhsh said that he would have liked that this resolution should have been sponsored by a Caste Hindu. I will only ask him just to go through the names in the resolutions 1 to 15 and 19 to 27 and he will find the names of more Caste Hindus there than of Scheduled Castes——(Mr. Md.

KHUDA BUKHSH: They have not moved them) but certainly my friend would understand that the moving ought to be entrusted in the hands of a Congress member coming from the Scheduled Caste. They say that the wearer of the shoe knows where the shoe pinches, and therefore if anybody is competent to bring out the implications of the resolution to the full, it is only meet and proper that a Scheduled Caste member from the Congress benches should be allowed to move this resolution Mr. Deputy Speaker, Sir, I will agree with Mr. Khuda Bukhsh if he wanted that he meant his remarks as a reminder to the Caste Hindus. Sir, he who claims to be a Hindu, he who puts forward his claim before the public as a member of the Hindu community, I say he proves himself to be false to his own community, to his own religion which teaches not only the brotherhood of men as Christianity teaches or as Islam teaches, but the divinity of man which is the underlying teaching of Hinduism Nara Narayan—*Ong Tat Sat*—that is the teaching of Hinduism. Hinduism enjoins that we must see divinity in man. If one is a true follower of Hinduism, he who does not treat another human being as part of the God which made him, he is untrue to his own religion and he is untrue to his God. Unfortunately rites and ceremonials and some Brahminical injunctions which had deteriorated the true Hindu religion had brought in these complications. The Congress is determined, we here belonging either to the so-called high castes and to the Scheduled Castes are determined that this blot should be removed, not only as a political strategy—no longer it is necessary as a political strategy—but also if one has got to be true to his conscience, to his God and to his religion, he must implement what has been said by the mover of the resolution here today. This is what I wanted to submit, and I hope that now that we are on our own, now that power has come into our hands, we should immediately penalise all discriminations against the Scheduled Castes and other backward communities. If we have done that, then only we shall merit the independence, the freedom which has come to us. Otherwise independence would not mean anything, and the Congress ideal would not be realised. With these words I wholeheartedly support the resolution.

Sri HEMANTA KUMAR BASU: মাননীয় ডেপুটি স্পীকার মহোদয়, আজকে এই পরিষদে ভারত রাষ্ট্রের গণপরিষদ তথাকথিত হরিজনদের মৌলিক অধিকার স্বীকার করার জন্য আমরা তাদের ধন্যবাদ জ্ঞাপন করছি। এই প্রস্তাব এখানে উপস্থিত করা হয়েছে, আমি মনে করি ভারতকে যদি বাঁচাতে হয়, যদি Indian Union কে বাঁচাতে হয়, তাকে যদি গড়ে উঠতে হয়, তাকে যদি শক্তিশালী করতে হয়, তবে আমাদের সমাজের মধ্যে যারা সবচেয়ে পশ্চাতে পড়ে আছে তাদের, যারা সবচেয়ে এগিয়ে গিয়েছে, তাদের সাথে এক সাথে নিয়ে আসতে হবে। সেইজন্য তাদের শুধু অস্পৃশ্যতা বর্জ্জন করে নয়; আর্থিক সংস্কার করে, সামাজিক সকল প্রকার উন্নতিবিধান করে যাতে রাষ্ট্রের প্রত্যেকটি মানুষ সকল দিক থেকে সমস্ত অধিকার ভোগ করে সেই ব্যবস্থা আমাদের করতে হবে। এটা খুবই দুঃখের বিষয়, খুবই লজ্জার বিষয় যে আমাদের সমাজের মধ্যে একদল লোক এমনভাবে উচ্চ স্তরের লোকের কাছথেকে ব্যবহার পায় যা অনেক সময় বন্য জন্তুরাও পায় না। এটা সমাজের পক্ষে একটা মস্ত বড় অভিশাপ ও কলঙ্কের কথা।

খোদাবক্স সাহেব বলেছেন যে এই প্রস্তাবটা কোন caste হিন্দুর কাছ থেকে এলে ভাল ছিল। আমি বলি তা নয়। আমরা যারা Congressmen, তারা ছাড়াও ভারতবর্ষে বহু লোক আছে—বৃটিশ সাম্রাজ্যবাদী বহু লোক—যারা শুধু আমাদের মধ্যে হিন্দু-মুসলমান ভেদের সুযোগ নয়, আমাদের হিন্দু সমাজের মধ্যে উচ্চ স্তর, নিম্ন স্তর, স্পৃশ্য, অস্পৃশ্য প্রভৃতি ভেদের সুযোগ নিয়েছিল এবং সেই সুযোগ নিয়ে তাদের নিজেদের স্বার্থ বজায় রাখবার চেষ্টা করেছিল। কিন্তু আমরা যারা Congressmen, তাদের ভিতর সেইরকম কোন মতপার্থক্য নেই। আমরা Congressmen, একই মনে করি, সমান চোখে দেখি। কিন্তু যারা এদেশের শত্রু, ভারতবর্ষের স্বাধীনতার শত্রু, তারা লোকদের ভুল বুঝাবার চেষ্টা করে। সেইজন্যই এই প্রস্তাব আমরা এনেছি; নতুবা এ প্রস্তাব আনবার কোন দরকারই ছিল না। আপনারা সকলে জানেন যে বৃটিশ সাম্রাজ্যবাদ আমাদের দেশে আসার পর থেকে আমাদের মধ্যে যাতে বিদ্বেষ ভাব, ধর্ম্ম নিয়ে ভেদাভেদ জেগে ওঠে—শুধু হিন্দু ও মুসলমানের মধ্যে নয়, শুধু সম্প্রদায় সম্প্রদায়ে নয়, সম্প্রদায়ের

ভিতর শ্রেণীতে শ্রেণীতে যাতে ভেদ বিভেদের সৃষ্টি হয়, তার জন্য চেষ্টা করেছেন। এবং সেটা প্রকট হয়ে উঠেছিল ১৯৩০ সালে Round Table Conference এ। তখন তারা বুঝেছিল, ভারতবর্ষে জাতীয়তা এমন বিপুল শক্তিলাভ করে চলেছে যে সেই শক্তিকে যদি কোনরকমে রোধ করা না যায়, তাহ'লে এত বড় বৃটিশ সম্রাজ্য অচিরে সেই আগুনে পুড়ে ছারখার হয়ে যাবে। সেইজন্যই তারা এই ভেদনীতি সৃষ্টি করেছিল। আপনারা একথা অবশ্যই জানেন, ইংরেজ আসার পর যখন মুসলমান সম্প্রদায়ের জন্য আলিগড়ে প্রথম য়ুনিভারসিটি স্থাপিত হয়, তার স্থাপয়িতা ছিলেন Syed Ahmed সাহেব। তিনি প্রথমে Congressman ছিলেন এবং তিনি চেয়েছিলেন ভারতবর্ষে জাতীয়তা প্রতিষ্ঠা করতে এবং তিনি Congress এর মধ্য দিয়েই কাজ করতেছিলেন। কিন্তু ইংরেজ যখন দেখল যে তাদের যদি এদেশে থেকে বাঁচতে হয়, তাহ'লে হিন্দু-মুসলমানের ভিতর ভেদ সৃষ্টি করে রাখতে হবে। সেইজন্য তাঁরা তখন পাঠিয়েছিলেন একজন ইংরেজ, Beg সাহেব এবং তিনি এসেই শ্রদ্ধেয় আমেদ সাহেবের কাণে অনবরত মুসলমানদের এই সুবিধা দিতে হবে, ঐ সুবিধা দিতে হবে—তাঁর কাণে অনবরত এই সব কথা বলতে লাগলেন এবং সঙ্গে সঙ্গে Sir Aukland, Colvin সাহেব প্রভৃতি এই কাজে লেগে গেলেন। এইভাবে তাঁরা আলিগড় য়ুনিভারসিটিতে শিক্ষার ভিতর দিয়ে যাতে হিন্দুদের বিরুদ্ধে, জাতীয়তার বিরুদ্ধে, একটা বিদ্বেষ সৃষ্টি হয়, সেই চেষ্টা করেছিলেন। একথা বোধ হয় আমাদের বন্ধু, খোদাবক্স সাহেব, নিশ্চয়ই জানেন যে সেই Round Table Conference এর পর আর একটা শ্রেণী—scheduled caste—সৃষ্টি হল এবং সেটা ইংরেজ সাম্রাজ্যবাদীরাই করেছিলেন। এই সব ভেদনীতির বিরুদ্ধে বৃটিশ সাম্রাজ্যবাদী চক্রান্তের বিরুদ্ধে এবং বৃটিশ সাম্রাজ্যবাদের যারা সমর্থক তাদের বিরুদ্ধে আমরা কংগ্রেস থেকে সংগ্রাম করে এসেছি। নবগঠিত ভারত রাষ্ট্র এখনও পরিপূর্ণভাবে গড়ে ওঠেনি—এখনও ভারতের ভিতরে ও বাইরে বহু শত্রু আছে, যারা, আমাদের মধ্যে একটু পিছিয়ে আছে যারা, যারা অতখানি এখনও জাতীয়তায় উদ্বুদ্ধ নয়, তাদের মধ্যে একটা ভেদ-বিভেদ সৃষ্টি করতে পারে, যাতে ভারতবর্ষ বড় হয়ে উঠতে না পারে, সেইরূপ চেষ্টাকে অঙ্কুরে বিনাশ করবার জন্যই রাষ্ট্রীয় গণপরিষদে আমাদের কংগ্রেস, সকলে যাতে সমান অধিকার নিয়ে বাঁচতে পারে, শিক্ষায়, দীক্ষায়, সমস্ত মৌলিক বিষয়ে যাতে সমান অধিকার লাভ করতে পারে, সেই প্রকার প্রস্তাব গ্রহণ করেছে। কাজেই আমরা মনে করি আজকে আমাদের ভারতীয় রাষ্ট্রীয় পরিষদে ঠিক এইরকমভাবে ভারতবর্ষের জন্য, তথাকার হিন্দু-মুসলমান, স্পৃশ্য, অস্পৃশ্য সকলের মৌলিক অধিকার যেমন স্বীকার করা হয়েছে এবং ভারতীয় রাষ্ট্রে আমরা যেমন তা স্বীকার করব, তেমনি আমাদের ভারতের বাইরে ও পার্শ্বে পাকিস্থান রাষ্ট্র রয়েছে, তাঁরাও যদি সেই রাষ্ট্রে সমস্ত মানুষকে এইরকম ধর্ম্মনির্বিশেষে সমান অধিকার দেন এবং কোন জাতিকে অস্পৃশ্য মনে না করে সকলকে যদি সমান স্বীকার করে নেন, তাহ'লে আমরা আরও শক্তিশালী হব এবং ভারতবর্ষ ও পাকিস্থানের কাছে পৃথিবীর কোন শক্তিই দাঁড়াতে পারবে না।

এই কথা বলে আমি এই প্রস্তাব সমর্থন করছি।

Mr. A. F. M. ABDUR RAHMAN: Sir, I would request you to adjourn the House for prayer.

Mr. DEPUTY SPEAKER: I will adjourn the House for prayer at 5-10.

Sri NIHARENDU DUTT-MAZUMDAR: মাননীয় ডেপুটি স্পীকার মহোদয়, আমি এই প্রস্তাব সমর্থন করছি; এবং এই প্রসঙ্গে আমি এইটুকু বলতে চাই, এই প্রস্তাবের বিষয় বস্তু, ভারতীয় সমাজের যা সবচেয়ে বড় কলঙ্ক আর দুর্ভাগ্যের কারণ, এবং যা নাকি ভারতের নিবিড়তম মর্ম্মবেদনার কারণ হয়েছিল, তার সঙ্গেই এই প্রস্তাবের বিষয় বস্তুটা সংশ্লিষ্ট। আমরা জানি ভারতকে, ভারতবর্ষের মানুষকে বহু বিপর্য্যয়ের ভিতর দিয়ে যেতে হয়েছে, সেই জন্যই তার ইতিহাস বহু বিপর্য্যয়ের ইতিহাস। এবং ভারতীয় সমাজের ভিতর যত কিছু গলদ ছিল এবং যা কিছু আমাদের সমাজ-দেহকে দুর্বল করে, পঙ্গু করে রেখেছিল সেগুলির বিরুদ্ধে যখন আমাদের দেশে একটা নতুন করে অভিযান সুরু হয়েছিল য়ুরোপের প্রথম যুদ্ধোত্তর কালে, তখন আমাদের জাতীয় কংগ্রেস মহাত্মা গান্ধীর নেতৃত্বে এক দেশ, এক জাতি, এক প্রাণ—এম্নিভাবে ভারতের মানুষের সমাজকে, রাষ্ট্রকে গড়ে তোলার আদর্শ সাম্নে রেখে একই অবিভক্ত ভারতের একটা বিরাট স্বপ্নকে স্বার্থক করার কাজ সুরু করেছিল। ওদিকে বিরুদ্ধ পক্ষ হতে শাণিত হতে লাগল তাদের অস্ত্র, আর ষড়যন্ত্র আরম্ভ হলো—সেই নবচেতনালব্ধ অভিযানকে কি করে ব্যাহত করে দেওয়া যায়। আমরা দেখেছি ঠিক সেই সময়, যখন ভারতবর্ষ এক কণ্ঠে তার দাবী জানাতে

আরম্ভ করলো, যখন ইংরেজকে ভারতের ভাগ্য নিয়ন্ত্রণের বিধাতা ব'লে গ্রহণ করতে ভারত অসম্মত হলো, যখন আমরা দেখ্‌লাম সাইমন কমিশন আগমনের সময় তার বিরুদ্ধে সারা ভারত একযোগে উঠে দাঁড়ালো, তখন বোধ হয় সাইমন কমিশনের যারা রচয়িতা তাদের ধারণা হয়েছিল—যদি এই বিরাট ঐক্যের অভ্যুত্থানকে খণ্ড খণ্ড করে, ছিন্ন ভিন্ন করে না ফেলা যায়, আর কোন উপায়েই ভারতের সঙ্ঘবদ্ধ অভ্যুত্থানকে দমন করা সম্ভব হবে না। এবং সঙ্গে সঙ্গেই তাদের অভিনয়ের রচনা প্রকাশ পেল Round Tableএর ভিতর দিয়ে। আমাদের অন্তর্নিহিত যে গ্লানি, যে পাপ সমাজদেহ থেকে দূর করবার জন্য যখন ভারতীয় মনীষীরা সচেষ্ট হয়েছিলেন, সেইটাকে আইনের বলে রাষ্ট্রের ভিতর একটা ভেদের প্রাচীররূপে তুলে ধরবার আয়োজন ঠিক সেই সময় সুরু হল। যেটা সমাজের ভিতর——

Mr. DEPUTY SPEAKER: Order, order. It is time for prayer. Mr. Dutt-Mazumdar you speak after the adjournment. The House stands adjourned for 15 minutes for prayer.

(The House was then adjourned for 15 minutes.)

(*After adjournment.*)

Sri. NIHARENDU DUTT-MAZUMDAR: মাননীয় Deputy Speaker মহোদয়, আমি বলছিলাম, যে ব্যাধিকে ভারতীয় সমাজের মধ্যে থেকে দূর করবার জন্য মহাত্মা গান্ধীর নেতৃত্বে কংগ্রেস চেষ্টা করতে আরম্ভ করেছিলেন, সেই ব্যাধিকেই কায়েমী-ভাবে স্থাপন করবার জন্য, তাকে একটা নূতন সাম্প্রদায়িক রূপ দেওয়ার চেষ্টা আরম্ভ হ'লো। এবং এর ভবিষ্যৎ পরিণতিতে সন্ত্রস্ত হয়ে এবং এর জন্য আতঙ্কিত হয়ে মহাত্মা গান্ধী ঠিক এইটারই বিরুদ্ধে তাঁর ভবিষ্যৎ সমস্ত সংগ্রাম এবং উদ্যমকে নিয়োজিত করতে বদ্ধপরিকর হন্। সেই কারাগারের মধ্যে থেকেই ঠিক এমনি ধরণের একটা ভেদ, যেটা ইংরাজ রাজনীতির কূট চাল ভারতের শাসনতন্ত্রের মধ্যে নেতারা আরম্ভ করে দিয়েছিলেন, তারই বিরুদ্ধে সুরু হয়েছিল তাঁর প্রথম অনশন। এমনিভাবে আংশিক প্রতি-কারের পর এবং সে প্রতিকারেও বহু ধরণের জটিলতার সৃষ্টি তার থেকে হয়েছিল, কিন্তু তার ফলে অন্ততঃ একটা আশা ছিল এই যে আবার সমস্ত ভারতীয় মানুষকে রাষ্ট্রিক অধিকার থেকে একভাবে দাঁড় করানো সম্ভব হবে। এই অভিজ্ঞতা থেকে, এই তিক্ত অভিজ্ঞতা থেকে, একদিকে বাইরে থেকে আক্রমণ আর একদিকে ভিতর থেকে বড় প্রাচীন অথচ অতি ক্লান্ত একটা জাতির যে একটা স্থবিরতা এসে গিয়েছে সেই গ্লানির মধ্যে পড়ে মহাত্মা গান্ধী বলেছিলেন, হিন্দু ধর্ম্ম এবং হিন্দু সমাজকে উল্লেখ করে "Untouchability must go if Hinduism is to survive". ঠিক এমনি ধরণের উক্তি করে তিনি মানসিক চেতনাকে উদ্বুদ্ধ করে দেবার চেষ্টা করেছিলেন। কিন্তু আজ একথা বোধ হয় অতি সহজ সত্য হিসাবে গ্রহণ করে নিতে কারো কষ্ট হয় না যে অস্পৃশ্যতা বা অন-অস্পৃশ্যতা এর মূলে রয়েছে সংস্কৃতির অভাব, শিক্ষার অভাব, অর্থের অভাব, উপার্জ্জনের অভাব। আমরা কালে কালে, যুগে যুগে দেখেছি প্রত্যেক সমাজের ভিতর বৈষম্যের ভিত্তি হয় ধন-বৈষম্যের উপর এবং এই কথা প্রাচীন কাল থেকেই প্রচলিত রয়েছে— "ধনে ন কুলে"। আজকে আমরা দেখছি যে সমস্ত সাধারণ সঙ্কীর্ণ সংস্কার ঐ ছোঁয়া না ছোঁয়ার সংস্কার থেকে হয়, তার মূলে রয়েছে সবচেয়ে বেশী গ্লানিকর যেটা, সেই অর্থের অভাব, ধনের অভাব, সংস্কৃতির অভাব, শিক্ষার অভাব এবং যেখানে সঙ্গে সঙ্গে আসে তাচ্ছিল্য। আমার বন্ধু খোদাবক্স সাহেব এখানে নেই। আমি জানি ভারতের এই ব্যাধি এমন কি সাম্যের ভিত্তিতে প্রতিষ্ঠিত ইস্‌লামীয় সমাজের ভিতরও ঢুকে রয়েছে এবং সেখানেও এর সংস্কারের জন্য অনেক লোক চেষ্টা করে গিয়েছেন। আমরা এখানে দেখেছি যে এখানে এই হিন্দু ধর্ম্মের অন্তর্ভুক্ত যাঁরা ব্রাহ্মণ সমাজে ছিলেন, তাঁরা তাঁদের সংস্কারের দিক থেকে একজন ইংরাজকে ম্লেচ্ছ এবং অস্পৃশ্য বলার সঙ্গে সঙ্গেও তার ভিতর সেখানে এমন একটা অবস্থার সৃষ্টি হয়নি যেটা অতি নিরন্ন, দরিদ্র, অশিক্ষিত, সাধারণ একজন তথাকথিত scheduled casteএর বেলায় হয়েছে। অভিজাত এবং ধনী সম্প্রদায় অথবা জমীদার শ্রেণীর সেখানে বৈষম্য হয়েছে অর্থের। আজকে আমি জানি যে ম্লেচ্ছ বলে আখ্যা দিয়ে ব্রাহ্মণ হয়ত ইংরেজের হাত থেকে জল খাবেন না, কিন্তু সেই ইংরাজ যখন Magistrate অথবা লাট হয়ে ভারতবর্ষের শাসনকার্য্য চালিয়েছেন, তখন তাঁর সেই অস্পৃশ্য হওয়াতেও কোন ক্ষতি ছিল না; তাঁকে অস্পৃশ্য বলে গ্রহণ করাতে, মূর্খ সঙ্কীর্ণ সংস্কারের অনুসরণকারী ব্রাহ্মণ তাঁকে অস্পৃশ্য বলে গ্রহণ করাতে তাঁর কোন ক্ষতি ছিল না; তিনি সেটাকে হেসে উড়িয়ে দিতে পারতেন। আমি সেই জন্য বলতে চাই মূল কথা হ'লো অধিকার এবং ধন-বৈষম্যের কথা। যদি সেদিক থেকে মানুষ হিসাবে তাকে মাথা

তুলে দাঁড়াবার মত ব্যবস্থা করে দেওয়া যায়, তার হাতের ছোঁয়া জল খান আর না খান, সে অস্পৃশ্য থাকে না। তারা তখন মানুষ হিসাবে মানুষের অধিকারে এসে দাঁড়ায়। এভাবে করুণা করে, কৃপা করে, দয়া করে, অস্পৃশ্যকে উপরে তুলে দেওয়া অবমাননা; সেটাতে মনুষ্যত্বের অবমাননা হয়ে থাকে। আমাদের দেশে সাধারণ সংস্কারপন্থী যাঁরা বহু যুগ যুগ ধরে চেষ্টা করে ব্যর্থ হয়েছেন, তাঁদের উদ্যম ফলপ্রসূ হয়নি। কিন্তু যেদিন একটা বৃহত্তর আদর্শে, দেশ, রাষ্ট্র এবং জাতির অধিকারের জন্য মানুষ দলে দলে বেরিয়ে এল, তখন সেই জায়গায় উঠে গেল অস্পৃশ্যতা, সেই জায়গায় উঠে গেল নানান রকমের পুরাণো সংস্কার, যেমন পর্দ্দা ইত্যাদি। এ সমস্ত চলে গিয়েছে এবং তার জন্য কারো মাথা ঘামাতে হয়নি। সেই আদর্শ, সেই কর্ম্ম-উদ্যম মানুষকে এক করে দিয়েছে। কংগ্রেসের ভিতর অস্পৃশ্যতা নেই। আমার এই বন্ধু বোধ হয় তাঁর ভ্রান্ত ধারণার বশবর্ত্তী হয়ে বলেছেন যে কংগ্রেসের ভিতর একটা বর্ণহিন্দু এবং scheduled caste হিন্দুর ভেদ দেখি। তিনি তার ভিতর থেকে বাছাই করে নেবার চেষ্টা করেছিলেন। সেটা শ্রদ্ধেয় J. C. Gupta মহাশয় দেখিয়ে দিয়েছেন যে এই প্রস্তাব কোন scheduled caste বা বর্ণহিন্দুর প্রস্তাব নয়; এ প্রস্তাব Congress এর সদস্যদের প্রস্তাব। এই প্রস্তাবে স্বাক্ষর করি আমরা সকলে এবং ব্যালটে নাম ওঠে বোলে যজ্ঞেশ্বর বাবুর প্রস্তাবটি উত্থাপন করার কথা ছিল। তাঁর অনুপস্থিতিতে শ্রদ্ধেয় বন্ধু নিশাপতি মাঝি মহাশয় প্রস্তাবটি উত্থাপন কোরেছেন। আজ আমি এই কথা জানিয়ে দিতে চাই যে, যে রাষ্ট্রীক অধিকারের জন্য আমরা সংগ্রামের পথে কাজ কোরে এগিয়ে গিয়েছি, তাতে অস্পৃশ্যতা এবং সকল ভেদাভেদ কংগ্রেস প্রতিষ্ঠানের ভিতর থেকে দূর হয়ে গিয়েছে। আজকে সমস্ত দেশে এই ভেদাভেদ দূর কোরে যদি এক দেশ, এক জাতি, এক প্রাণ এই ধরণের আদর্শের প্রতিষ্ঠা করতে হয় তাহ'লে অস্পৃশ্যতার গোড়ার গলদ দূরীভূত কোরে মানুষের খাবার, পরবার, বাঁচবার পন্থা এনে দিতে হবে। যুদ্ধোত্তর সময়ে সাধারণ জীবনোপায়ের ব্যাপারে দেখেছি যে জেলেদের জাল কেড়ে নেওয়া হয়েছে, তাদের নৌকাগুলি ভেঙ্গে দেওয়া হয়েছে এবং তারা অন্নহীন হয়ে পড়েছে। বিগত গোল টেবিল বৈঠক থেকে আজ পর্য্যন্ত Scheduled Caste সৃষ্টি কোরে নানাভাবে ভারতবর্ষের বিরুদ্ধে যাঁরা কুৎসা চালিয়েছেন, তাঁরা যদি দরদ দিয়ে ভারতের এই ব্যাথা, এই গ্লানিকে বুঝবার চেষ্টা করতেন তাহ'লে তাঁরা ঐ পথে না গিয়ে যাদের অস্পৃশ্য বলা হয়েছে তাদের প্রত্যেককে অন্ততঃ দশ বিঘা জমি দেওয়ার ব্যবস্থা করতেন, আর না হয় কৃষি বা শিল্পের ব্যবস্থা কোরে দিতেন আর তাতে অস্পৃশ্যতা অতি সহজেই ধূলিসাৎ হয়ে পড়ে যেত। কিন্তু সেদিক থেকে কোন ব্যবস্থা হয়নি—না হয়েছে ইংরাজের আমলে, না হয়েছে ১০ বৎসর লীগের শাসনকালে; বরঞ্চ ঐ স্পৃশ্যাস্পৃশ্য ভেদের উপরে কি কোরে দলে ভাঙন ধরিয়ে দিয়ে নূতন নূতন দল পাকিয়ে বাংলার উপরে প্রভুত্ব স্থাপন করা যায় সেদিকেই তাঁদের ক্ষমতা-লোলুপতা, তাঁদের দৃষ্টিকে আকৃষ্ট রেখেছে। আজ স্বাধীন ভারতের জন্য যে নূতন শাসনতন্ত্র রচিত হচ্ছে যাতে কোরে Constituent Assembly তে মানুষকে মানুষের অধিকার দেওয়ার জন্য মৌলিক দাবী প্রতিষ্ঠার যে প্রথম বিধান ঘোষিত হয়েছে তার পরে এই স্পৃশ্যাস্পৃশ্য ভেদাভেদের কোন স্থান থাকতে পারে না। Constituent Assembly র এই নূতন বিধানতন্ত্রের মধ্যে যাতে কোনরকম অপচেষ্টা হ'তে না পারে এবং যাতে সেটা কার্য্যকর কোরে তোলা যেতে পারে সেই জন্য বলা হয়েছে যে অস্পৃশ্যতাবোধ দণ্ডনীয় হবে এবং যেখানে সাধারণের প্রবেশাধিকার থাকা প্রয়োজন সেখানে ঐ প্রবেশাধিকার নিষেধ করার ক্ষমতা কারও থাকবে না। আমরা দেখেছি অস্পৃশ্যতা নানাভাবে আসে। আমরা এসিয়ার নূতন ধরণের অস্পৃশ্যতা দেখেছি—"Dogs and Chinamen not allowed"—এইভাবে পার্কের ভিতর লেখা হয়েছে। আমরা দেখেছি কলিকাতার অভিজাত শ্রেণীর বহু লোক ইংরাজী ধরণ, ইংরাজী কায়দার অনুকরণ কোরে প্রবেশাধিকার লাভ করতে যেয়ে অপমানিত হয়ে ফিরে এসেছেন। সেই গ্লানি অন্তরে নিয়ে রবীন্দ্রনাথ লিখে গেছেন—

"কে তুমি ফিরিছ পরি প্রভুদের সাজ
ছদ্মবেশে বাড়ে না কি চতুর্গুণ লাজ?"

আমরা দেখেছি অস্পৃশ্যতা, মনুষ্যত্বের অপমান এবং লাঞ্ছনা নানাভাবে নানা সময়ে এসে দেখা দিয়েছে। সেখানে রয়েছে ক্ষমতার অভাব, রাষ্ট্রীক অধিকারের অভাব এবং আমাদের অর্থ-বৈষম্য। আজ সেইদিক দিয়ে নূতন রাষ্ট্র তার দৃষ্টিকে প্রসারিত করবে এবং বাংলার আইন পরিষদ Constituent Assemblyকে অভিনন্দন জানিয়ে যে প্রস্তাব গ্রহণ করেছে, তাকে কার্য্যে পরিণত করবার জন্য আইন প্রণয়ন করা হউক এবং উপযুক্ত ব্যবস্থা অবলম্বন করা হউক। আমি মনে করি যে এর প্রধান ব্যবস্থা হবে

নূতন গঠনতন্ত্রে যে পরিকল্পনা রয়েছে, নূতন Development Scheme যেটা বাংলা দেশ নেবে, সেটা এমনভাবে হউক যাতে বাংলার প্রত্যেকটি গৃহ এক একটি উৎপাদনের কেন্দ্র হয়ে দাঁড়ায়, যাতে বাংলার প্রত্যেকটি গৃহ শিক্ষা-শিল্প-সংস্কৃতি-সমৃদ্ধিতে পরিপূর্ণ হয়ে ওঠে, এবং এমনিভাবে যদি বাংলার প্রতি মানুষের গৃহকে আমরা গড়ে তুলতে পারি, যদি সেখানে একই ভাবের সদাচার, একই ভাবের সংস্কৃতি, একই ভাবের শিক্ষা আমরা দিই, তবে ধূলিসাৎ হয়ে যায় ঐ পুরাণ ভেদা-ভেদের জঞ্জাল। এইভাবে শুধু আইনের সাহায্যে নয়, নূতন শিল্প প্রয়াস এবং সংগঠন প্রয়াসের ভিতর দিয়ে আমাদের নূতন রাষ্ট্র এবং সমগ্র সমাজের উদ্যম নিয়োজিত হবে এবং এই উপায়েই আমরা অস্পৃশ্যতার কলঙ্ককে অতীতের ইতিহাস থেকে নিশ্চিহ্ন কোরে দিতে পারব। আজ হিন্দু সমাজ একটা অগ্নিপরীক্ষার ভিতরে এসে উপস্থিত হয়েছে, তার চতুর্দ্দিকে ঘাত প্রতিঘাত চলেছে এবং তাকে ধ্বংস কোরে দেবার জন্য বহু দূর থেকে, বহু উচ্চ স্তর থেকে একটা রাজনৈতিক স্বার্থ সেই অভিসন্ধিতে জড়িত হয়ে রয়েছে। সেই কারণে ভারতবর্ষে হিন্দু সমাজের ভিতরকার এই গ্লানি উঠিয়ে দেবার সর্ব্বপ্রকার ব্যবস্থা করা প্রয়োজন এবং আমি আশা করি এ সম্বন্ধে আমার মোসলেম লীগের বন্ধুরা যেন এটাকে দরদ দিয়ে বোঝবার চেষ্টা করেন, এটাকে যেন রাজনৈতিক দলাদলির capital এ পরিণত না করেন। তাঁরা যেন এই প্রলোভন থেকে নিজেদের সংযত রাখেন এবং বর্ণহিন্দু ও Schedule Caste হিন্দু—এই বৈষম্য যেন মন থেকে মুছে ফেলে দেন। আমি জানি হিন্দু সমাজের এই দুর্ব্বলতার সুযোগ নিয়ে তাকে আঘাত করা বড় সহজ। আঘাতের পর আঘাতে হিন্দু সমাজ পর্য্যুদস্ত হয়েছে বটে, কিন্তু আজ সমস্ত আঘাত তার মাথার উপর আশীর্ব্বাদ স্বরূপ হয়ে এসেছে। ইংরাজের এই Caste—Scheduled Caste করার নীতি ধ্বসে পড়ে গিয়েছে। কিন্তু তাদের যাবার মুখে আমাদের এক জাতির জায়গায় দুই জাতির যে theory উচ্চ কণ্ঠে ঘোষিত করা হয়েছে তাতে ভারতের ৬ হাজার বৎসরের অতীত ইতিহাসের ভিতর এমন পশুত্বের তাণ্ডব কোন দিন এ দেশের ভূমিকে কলঙ্কিত করেনি যেমন বর্ত্তমানে করেছে। সেই কলঙ্ক এবং গ্লানি আজ হিন্দু সমাজের মাথায় আশীর্ব্বাদের আকারে এসে দেখা দিয়েছে। আমরা যতই গালা-গালি করি না কেন, প্রকৃতির ভিতরে poetic justice বোলে একটা কথার স্থান আছে। তাই আজকে মনে হয় যে দুই জাতির থিওরি নিয়ে মিঃ জিন্নার অভ্যুত্থান এবং প্রকৃতির তরফ থেকে একটা আঘাত প্রেরণ আশীর্ব্বাদের মত এসে হিন্দু সমাজের মাথায় পড়েছে। এই আঘাতকে আশীর্ব্বাদ বোলে গ্রহণ কোরে নিয়ে হিন্দু সমাজ নূতন শিক্ষা গ্রহণ করবে এবং বর্ণবৈষম্যবিহীন এক হিন্দু সমাজ প্রতিষ্ঠিত করবে। হিন্দু ধর্ম্ম এবং শাস্ত্র কোন দিন সাম্প্রদায়িকতার উপরে প্রতিষ্ঠিত ছিল না। যে দেশের এবং যে জাতির ধর্ম্মকে এবং শাস্ত্রকে মানব ধর্ম্ম এবং মানব ধর্ম্মশাস্ত্র আখ্যা দেওয়া হয়েছে সেটাকে পূর্ণ রূপ দিয়ে ভারতের সমাজ রূপায়িত কোরে তুলুক। তার ভিতর দিয়ে সফল হবে হিন্দু-মুসলমান-খৃষ্টান-শিখনির্বিশেষে সকলের মিলন। তার ভিতর প্রত্যেকের স্থান রয়েছে এবং এই এক দেশ, এক জাতি, এক মহাপ্রাণের পরিধির ভিতর এসে সকলেই একসঙ্গে দাঁড়াতে পারবে। হউক না পূজার উপকরণ ও পূজার আচার বিভিন্ন, হউক না পূজার স্থান মন্দির-মসজিদ-গুরুদ্বার-গির্জ্জা নামে অভিহিত; তাতে রাষ্ট্রের এবং জাতির অধিকারের দিক থেকে বিন্দুমাত্র কম বেশ হয় না। সেই দৃষ্টি নিয়ে আমি এই প্রস্তাবকে সমর্থন করছি। আজ কাশ্মীরের অগ্নিপরীক্ষার মধ্য দিয়ে হিন্দু মুসলমাননির্বিশেষে কাশ্মীরের অধিবাসী হিসাবে যাঁরা উঠে দাঁড়িয়েছেন, আশা করি এই প্রস্তাবকে কার্য্যে পরিণত করার প্রচেষ্টার ভিতর দিয়ে সমগ্র হিন্দু সমাজ ভারতের অধিবাসী হিসাবে নূতন রূপ, নূতন সংহতি এবং শক্তি নিয়ে নূতন দেশ গড়ে তুলবে এবং সেই সাফল্যের ভিতর দিয়ে ঐ মিলনবাণী ঘোষণা করতে সক্ষম হবে।

Sri ISWAR CHANDRA MAL: মাননীয় ডেপুটি স্পীকার মহোদয়, আজকে এই পরিষদ-গৃহে যে প্রস্তাব উপস্থাপিত করা হয়েছে, সেই প্রস্তাবে বলা হয়েছে মৌলিক অধিকার গণ-পরিষদে স্বীকার করে নেওয়া হয়েছে। তাহ'লে এটা বুঝতে হবে যে আমাদের মৌলিক অধিকার ছিল। এই অধিকার বললে রাষ্ট্রীয় অধিকার ও সামাজিক অধিকার দুটো অধিকারই বোঝা যায়। রাষ্ট্রীয় অধিকার যেভাবে দেওয়া হয়েছে, সেটা আপনারা অনেক আগে শুনেছেন। কিন্তু সামাজিক অধিকার সম্বন্ধে কিছু গোলমাল আছে।

হিন্দু সমাজ বিশেষতঃ তার যে শাস্ত্রীয় বিধান আছে, সেই বিধানকে পরিপূর্ণভাবে গ্রহণ করেছে। তাতে জন্মতালিকা দেওয়া হয়েছে—বলা হয়েছে এইভাবে যার জন্ম হয়েছে, তার সামাজিক অধিকার এই। এই যে বর্ণনা আছে এই বর্ণনাতে এমন একটি গভীর সংস্কার লোকের মনে বদ্ধমূল হয়েছে যে আজকে

যারা Scheduled Caste বলে বর্ণিত, বর্ণহিন্দুর সমাজ থেকে পৃথক বলে যারা বর্ণিত হয়েছে, তাদের মধ্যেও এমন সংস্কার হয়েছে যে তারা সেটা পরস্পরের মধ্যে মিলিয়ে নিতে পারছে না। Hindu scripture —তার ভিতর জন্মের ভিত্তিতে যে সংস্কার জন্মেছে সেই সংস্কারকে যদি গভর্ণমেণ্ট থেকে পরিবর্ত্তন করবার ব্যবস্থা করা হয়, তাহ'লে কালে হয়ত এটা পরিবর্ত্তিত হতে পারে। এটা অবশ্য আমার ব্যক্তিগত বিশ্বাস।

বুদ্ধদেব সংঘবদ্ধভাবে অর্থাৎ গণতান্ত্রিকভাবে প্রার্থনা করবার রীতি প্রবর্ত্তন করেছিলেন। তাতে বৌদ্ধধর্ম্মাবলম্বীরা হিন্দু সমাজ থেকে পৃথক থেকে যায়। অনুন্নত সমাজকে টেনে তুলবার জন্য যাঁরা চেষ্টা করেছিলেন, যেমন বাংলাতে ঢেউ এসেছিল চৈতন্যের দ্বারা, নানক, কবীর প্রভৃতির দ্বারা, সেই সমস্ত সম্প্রদায় পৃথক জাতিতে, শ্রেণীতে পরিণত হয়েছে। হিন্দু সমাজ যেমনভাবে সেই জাতিতত্ত্বের ভিত্তিতে সামাজিক অধিকার থেকে লোককে বঞ্চিত করে রেখেছিল, তেমনি আজও তাদের সেইভাবে রেখেছে।

মহাত্মা গান্ধীর আদেশ বললেও চলে বা কংগ্রেসের প্রস্তাব বললেও চলে, তার একটা কর্ম্মপন্থা হিসাবে দেশব্যাপী অস্পৃশ্যতা বর্জ্জন আন্দোলন যখন এসেছে, তখন এই জাতিতত্ত্বের ভিত্তিতেই সে আন্দোলন বাধা পেয়েছে। এই সংস্কার কি করে লোকের মন থেকে দূর করা যায়, বন্ধ করা যায়? সাধারণতঃ নানাবিধ পণ্ডিত মহাশয়দের সঙ্গে, যাঁরা শাস্ত্রে অনেক জ্ঞান লাভ করেছেন, তাঁদের সঙ্গে আলোচনা করে দেখা যায়, তাঁরা বলেছেন যে হিন্দু শাস্ত্রের বিধান অনুসারে স্থূল দেহ কখনও পরিবর্ত্তিত হতে পারে না। অর্থাৎ একটি লোক যাকে আজকে বর্ণহিন্দু বলা হচ্ছে, তাকে কাল Scheduled Caste বলা যায় না যদি তার পরিবর্ত্তন মৃত্যুর দ্বারা না হয়। এই সংস্কার কখনও সমাজে গৃহীত হতে পারে না। এই সংস্কার একটা মারাত্মক সংস্কার। আজকে গভর্ণমেণ্ট থেকে কোন আইন যদি হয় তারা রাষ্ট্রীয় অধিকার পাবে, তবে সেই অধিকার যারা দেবে তাদেরও এগিয়ে যেতে হবে আর সেই অধিকার যারা নেবে তাদেরও এগিয়ে যেতে হবে। দেবার মালিক যদি এগিয়েও যায়, যারা গ্রহণ করবে তারা যদি অগ্রসর না হয়, তাহ'লে গ্রহণ পরিপূর্ণরূপে সার্থক হতে পারে না। যেমন দেশের লোকের লক্ষ্য হচ্ছে স্বাধীনতা, সেই স্বাধীনতা দেশে এসে গেল, কিন্তু দেশের লোক যদি সেই স্বাধীনতাকে মনে প্রাণে গ্রহণ না করে, তাহ'লে সে স্বাধীনতা বেশী দিন থাকতে পারে না। তেমনি অনুন্নত শ্রেণী যদি উন্নত হবার জন্য নিজে থেকে সচেষ্ট না হয়, তবে সরকার অগ্রসর হলেও তারা কিছুটা অগ্রসর হতে পারবে, কিন্তু সম্পূর্ণ অগ্রসর হতে পারবে না। সভা সমিতিতে বহু পণ্ডিতে মিলে তর্ক বিতর্ক করে বলা হয়—এদের যে অধিকার আপনারা দিতে চান কিন্তু সে অধিকার পাবার কি তাদের যোগ্যতা আছে? অধিকার অর্জ্জন করতে হবে। এটা গেল একটা দিক।

আর একটা দিক হচ্ছে—তাদের অর্থনৈতিক দুর্ব্বলতার জন্য সমাজে আজ তাদের যে স্থান তাকে সুষ্ঠুভাবে সরকার থেকে আইন করে পরিবর্ত্তন করা যেতে পারে না, সেটার সম্পূর্ণ পরিবর্ত্তন সমাজ থেকেই সম্ভব—নতুবা এই রাজনৈতিক দুর্ব্বলতা সম্পূর্ণ দূরীভূত হতে পারে না—সরকার থেকে নানাভাবে খানিকটা পরিবর্ত্তন করা যেতে পারে মাত্র। এই যে তাদের মধ্যে শিক্ষার অভাব, এটা পূরণের জন্য সরকার থেকে একটা বিশিষ্ট পন্থা অবলম্বন করা যেতে পারে। অস্পৃশ্যতা বর্জ্জনের দ্বারা সমাজকে সুষ্ঠু ও সজীব করে তোলবার জন্য এই প্রস্তাব আজকে করা হয়েছে, এর মধ্যে এমন একটা অনুরোধ আছে —যারা শিক্ষায় অনগ্রসর তাদের শিক্ষার প্রকৃত ব্যবস্থা সরকারের তরফ থেকে করতে হবে। আমার হাতে যদি ক্ষমতা থাকতো তাহ'লে আমি বাংলাদেশের শিক্ষা বিষয়ে দশ বছরের জন্য বর্ণহিন্দুদের শিক্ষার ব্যবস্থা বন্ধ করে অনুন্নত হিন্দুদের শিক্ষার ব্যবস্থা করতাম। মনে করুন আমি হাঁটছি, আর একজন ছোট ছেলেও আমার সঙ্গে হাঁটছে। আমার সঙ্গে যদি একত্রে এক তালে হাঁটতে হয়, তাহ'লে তাকে নিয়ে চলার জন্য আমাকে খানিকটা halt করে করে হাঁটতে হবে। সেই জন্য বর্ণহিন্দুদের শিক্ষার প্রসার যদি কিছু কমও হয় তা করেও অনুন্নতদের সঙ্গে সঙ্গে টেনে নিতে হবে। এটা সকল দেশেই একমাত্র সরকারই করতে সক্ষম, এবং এটার দায়িত্বও গভর্ণমেণ্টেরই। যেমন ধরুন Scheduled Caste রা Medical Collegeএ ও স্কুলে প্রায়ই ভর্ত্তি হতে পারে না। সে ব্যবস্থা সরকারকেই করে দিতে হবে। এদের চাকরী দেয়ার ব্যাপারে গভর্ণমেণ্টের একটা নীতি আছে। আমরা অস্পৃশ্যতা বর্জ্জন করতে যাচ্ছি, গভর্ণমেণ্টকে একটা আইন করতে অনুরোধও করছি; চাকরী হয়ত একটু বেশী পাচ্ছি আমরা, যারা বর্ণহিন্দু, যারা সমাজের অধিকার বহু দিন থেকে ভোগ করে আসছে; অর্থনৈতিক, সামাজিক বা রাজনৈতিক অধিকার সব বিষয়ে যারা বেশী পেয়ে আসছে, তাদের পক্ষে আরো কিছুটা উদারভাবে

খানিকটে অগ্রসর হওয়া উচিত। সমাজের ভিতর থেকে এটা না করলে শুধু আইন করে সরকার এ সমস্যা মেটাতে পারেন না। যেমন বিবাহ সম্বন্ধে আইন করে বয়স বেঁধে দেয়া হয়েছে যে ১৫ বৎসরের কমে বিবাহ দেয়া চলবে না। কিন্তু সমাজ মেনে নেয়নি বলে এই আইনমতনও বিবাহ হচ্ছে না। সুতরাং সমাজে যারা অগ্রসর তারা যদি অনগ্রসরদের টেনে না নেয় বা সেরকম কোন আইনকে কার্য্যকরী করার ব্যবস্থা না করে তাহ'লে সরকার হতে আইন করলেও তাতে কাজ হবে না। কাজেই যাদের হাতে অধিকার, তাদের যেমন এগিয়ে যেতে হবে, যারা সেই অধিকার নেবে তাদেরও এগিয়ে এসে সেটা নিতে হবে। মূলতঃ এই দাবীই করা হয়েছে এ প্রস্তাবে যে গভর্ণমেন্টের একটা বিশিষ্ট কর্ম্মপন্থা গ্রহণ করা উচিত। আইন করে যারা অনগ্রসর তাদের এগিয়ে নিতে হবে, বিশেষ করে শিক্ষার দিক দিয়ে তাদের এগিয়ে নিতে হবে। তারা শিক্ষিত হলেই তারা নিশ্চয়ই বুঝবে তাদের অধিকার এবং সে অধিকার তখন যদি কেউ স্বেচ্ছায় না দেয় তারা জোর করে আদায় করতে পারবে। অধিকার দিলেই কেবল হয় না, সে অধিকার রক্ষার ক্ষমতা থাকা চাই।

আপনারা যাঁরা পল্লীতে গিয়েছেন তাঁরা অবশ্যই দেখেছেন কি কদর্য্যভাবে তারা থাকে। তাদের যেমন খাদ্যের অভাব তেমনি বস্ত্রের অভাব। এসব দূর করবার জন্য ছোটখাট ব্যাপারগুলি সমাজই মেটাতে পারেন, কিন্তু আসল যেগুলি বাধা তা গভর্ণমেন্টকে আইনের দ্বারা দূর করতে হবে। এই ব'লে আমি এই প্রস্তাব সমর্থন করছি।

Mr. DEPUTY SPEAKER: I think no other member wants to speak. It is desirable that somebody on behalf of the Cabinet should say something if they so desire.

The Hon'ble Sri KALIPADA MOOKERJEE: মাননীয় Deputy Speaker মহোদয়, যে প্রস্তাবটি আজ আমাদের এই পরিষদ-কক্ষে উপস্থাপিত করা হয়েছে আমি সর্ব্বান্তঃকরণে সেই প্রস্তাব সমর্থন করছি—(A VOICE: গ্রহণ করুন), গ্রহণ করতে আমি পারি না, তাই সমর্থন করছি। শুধু গভর্ণমেন্টের তরফ থেকে নয়; ভারতবর্ষের কংগ্রেস কর্ম্মীর এবং কংগ্রেসের যে নীতি ও আদর্শ—যে আদর্শ আজ প্রায় ২৭ বৎসর ধরে গান্ধীজির জীবন-বেদকে অবলম্বন করে গড়ে উঠেছে, সেই কংগ্রেসের কার্য্যসূচীর অন্যতম কার্য্যসূচী ছিল অস্পৃশ্যতা বর্জ্জন। আজ জাতির দুর্গতির কারণ, আমাদের সমাজ-জীবনে এই সব ভেদাভেদের বিভ্রান্তি সৃষ্টি করা। আজ যদিও পরাধীনতার কলঙ্ককালিমা থেকে জাতি মুক্ত হয়েছে, কিন্তু দেশের সমাজ-জীবনকে সুস্থ ও সবল করে তোলবার দায়িত্ব রাষ্ট্রের গ্রহণ করতে হবে। এবং সেই উদ্দেশ্যে প্রণোদিত হয়ে আজ ভারতবর্ষের গণপরিষদ মানুষের সমান অধিকারবাদের ভিত্তিতে যে রাষ্ট্রতন্ত্র প্রবর্ত্তন করতে চলেছেন, সেখানে কোন ভেদ বা বৈষম্যের স্থান নেই; সেখানে তাঁরা ঘোষণা করেছেন যে অস্পৃশ্যতা আইনের চক্ষে দণ্ডযোগ্য বলে পরিগণিত হবে। কাজেই আজ আমাদের সমাজ-জীবনকে নূতন আদর্শে গড়ে তুলতে হবে এবং সে দায়িত্ব রাষ্ট্রকে গ্রহণ করতে হবে। বহুদিন ধরে এই অস্পৃশ্যতার কালিমা আমাদের সমাজ-জীবনকে কলঙ্কিত ও পঙ্গু করেছিল, শুধু তাই নয়; বিদেশী শাসক তাদের নিজেদের কায়েমি স্বার্থকে বজায় রাখবার জন্য, জাতীয় চৈতন্যের মধ্যে, জাতীয় জীবনের মধ্যে এই অস্পৃশ্যতার কীলক প্রবেশ করিয়ে দিয়ে আমাদের মধ্যে বিভেদ সৃষ্টি করেছিল এবং সেই বিভেদের সুযোগ নিয়ে দুনিয়ার সমক্ষে ঘোষণা করেছিল, ভারতবাসী এক জাতি হতে পারে না; তাদের মধ্যে অনেক বৈষম্য রয়েছে। কাজেই আজকের দিনে দেশের এই পরিবর্ত্তিত পরিস্থিতিতে যে নূতন রাষ্ট্র গঠন হতে চলেছে, সেই রাষ্ট্রে অস্পৃশ্যতা বর্জ্জন শুধু আইনের দিক থেকে নয়, সমাজ-ব্যবস্থার মধ্যে এমন পরিবর্ত্তন সাধিত করা প্রয়োজন যে নূতন জাতীয়তাবোধে উদ্বুদ্ধ জনসাধারণ—তাঁরা নিজেরাই সচেতন ও জাগ্রত হবেন এবং সমাজ-জীবন থেকে এই কলঙ্ককালিমা দূর করবেন। রাষ্ট্র সহায়ক হবে মাত্র—রাষ্ট্র আইনগত বৈষম্য দূর করবে বটে, কিন্তু সুস্থ ও সবল সমাজ-জীবন তাঁরা নিজেরাই ব্যবস্থা করবেন।

এই কটি কথা বলে আমি এই প্রস্তাব সর্ব্বান্তঃকরণে সমর্থন করছি।

The motion of Sri Nishapati Majhi that ভারতীয় গণপরিষদ মৌলিক অধিকারবলে যে অস্পৃশ্যতাকে দণ্ডযোগ্য বলিয়া ঘোষণা করিয়াছেন তজ্জন্য এই পরিষদ অন্তরের সহিত ভারতীয় গণপরিষদকে ধন্যবাদ জ্ঞাপন করিতেছে। ভারতীয় গণপরিষদের ঘোষণাকে আইনতঃ কার্য্যকরী

ও অস্পৃশ্যতা বর্জ্জনকে সাফল্যমণ্ডিত করিবার জন্য সরকার হইতে যথোপযুক্ত ব্যবস্থা করা হউক ইহাই এই পরিষদের অভিমত। পশ্চিমবঙ্গবাসীকে অস্পৃশ্যতা বর্জ্জন কার্য্যে নিযুক্ত হইয়া সমাজ-জীবনকে প্রাণবন্ত, সুস্থ ও সজীব করিয়া তুলিবার জন্য এই পরিষদ দেশবাসীকে আবেদন জানাইতেছে was then put and agreed to.

Adjournment.

The House was then adjourned at 5-58 p.m. till 3-45 p.m. on Monday, the 12th January, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 12th January, 1948, at 3-45 p.m.

Present:

Mr. Deputy Speaker (Sri ASHUTOSH MALLICK) in the Chair, 8 Hon'ble Ministers and 56 members.

Oath.

Mr. DEPUTY SPEAKER: Members who have not yet taken their oath may do so now.

The following members took their oath:—

(1) Mr. J. R. Walker,

(2) Mr. C. E. Clarke.

STARRED QUESTIONS

(to which oral answer was given)

Alleged oppression on public committed by Government servants in Midnapore during 1941-45.

15. **Sri PRAMATHA NATH BANDOPADHYAY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that oppressive and illegal deeds were perpetrated upon the people of the Midnapore district, specially on the people of Contai, Tamluk and Sadar subdivisions, by servants of the Bengal Government during the years from 1941 to 1945?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what different methods of oppressive acts were committed by the Bengal Government servants upon the people during the period referred to in (*a*)?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the names of the Bengal Government servants who actually took active parts in committing or personally committed those illegal acts; and

(*ii*) whether any of those Bengal Government servants are still in service of the present West Bengal Government?

(*d*) If the answer to (*c*)(*ii*) be in the affirmative, do the Government consider the desirability of bringing these persons under trial at an early date?

MINISTER in charge of the HOME DEPARTMENT (The Hon'ble Dr. Prafulla Chandra Ghosh): (*a*) There is no official record in the possession of this Government.

(*b*), (*c*)(*ii*) and (*d*) The questions do not arise.

(*c*)(*i*) There is no official record of such names.

Sri DEBENDRA NATH SEN: With reference to answer (*a*) and (*c*)(*i*) to the effect that there is no official record of such names, will the Hon'ble Minister in charge of the Home Department be pleased to state

whether the Government do contemplate holding an enquiry with a view to find out the names of persons who committed acts of excesses during the period referred to?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Government is prepared to find out facts.

Sri PRAMATHA NATH BANDYOPADHYAY: মাননীয় মন্ত্রী মহাশয়, আমরা যদি record supply করি, তাহ'লে কি আপনি অনুগ্রহ করে সেগুলি দেখবেন?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: বললাম তো গভর্ণমেণ্ট-তদন্ত করতে প্রস্তুত আছেন যদি facts findings এর জন্য আপনারা সাহায্য করেন।

Sri PRAMATHA NATH BANDYOPADHYAY: মাননীয় মন্ত্রী মহাশয়, অনুগ্রহ করে বলবেন কি কবে নাগাদ তদন্ত হ'তে পারে?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: সেটা তো administrative details; Cabinet এ discuss ক'রে পরে জানান হবে।

Sri NIKUNJA BEHARI MAITI: এ বিষয় কি কোন representation দিতে হবে, না, গভর্ণমেণ্ট of its own initiative এ করবেন?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: গভর্ণমেণ্ট এটা of its own initiative এ করবেন।

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state whether the Government, if it finds out the names of the officers who committed acts of atrocities, will take serious action against them or send them up for trial?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Let us first find out the facts. Then we shall decide what is to be done.

Sri JYOTI BASU: Is the Hon'ble Minister aware that atrocities by Government officials did take place at that particular period?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I have already answered that question.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state whether Government desires that the public should supply them with the names of officers who committed acts of atrocities against the people during those days?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I have already said that the public should supply us with all the facts.

Sri BIMAL COMAR GHOSE: With reference to answer (*a*), will the Hon'ble Minister be pleased to state if Government have reasons to believe that such records did exist and, if so, whether they have been destroyed or removed to some other place?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: That I cannot say.

Sri ISWAR CHANDRA MAL: মাননীয় মন্ত্রী মহাশয় কি অনুগ্রহ করে বলবেন, যখন এই সব ঘটনা, excesses ঘটেছিল, তখন এই পরিষদ-গৃহে অনেক members ঘটনাগুলি বিস্তৃতভাবে প্রকাশ করেছেন—সেদিকে নজর দিয়ে কি enquiry করতে পারবেন?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: সে সমস্ত বিষয় আপনারা আমার চেয়ে ভাল করে জানেন; আমি তখন আহমদনগরে ছিলাম।

Sri JYOTI BASU: Will the Hon'ble Minister please state whether he will set up an enquiry committee to go into the question of these atrocities committed by the Bengal Government officials?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I have already answered that question. We will try to ascertain the facts.

Sri JYOTI BASU: Will an enquiry committee be set up, that was my question?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: We shall first try to ascertain the facts.

Sri NIKUNJA BEHARI MAITI: যদি দেখা যায় facts find করে যে suitable action নেওয়া উচিত, তাহ'লে গভর্ণমেণ্ট কি prepared আছেন suitable action নিতে?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: That is a hypothetical question, namely, if such a thing happens what we should do.

Sri NIKUNJA BEHARI MAITI: একথা কি বলা যেতে পারে যে ১৯৪২ সালে কাঁথি এবং তমলুকেতে অনেক অত্যাচার হয়েছিল, এটা মেম্বররা জানেন কি না এবং Home Minister নিজে এটা শুনেছেন কি না?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I saw that in the press while at Ahmednagar

Sri BIMAL COMAR GHOSE: With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether it is the intention of Government to appoint a few officers or a departmental committee to enquire into these cases of atrocities?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: These are matters of administrative details which I cannot answer just at present.

Sri BIMAL COMAR GHOSE: I want to know, Sir, if it is his intention to set up some machinery to enquire into this question either of officers or some departmental enquiry.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I have said twice or thrice that some machinery will be set up to find out facts.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state if this enquiry will start at the end of this month or at the beginning of the next month?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: As soon as the Cabinet takes a decision and then I shall decide when it will start. These are matters of administrative detail.

Sri PRAMATHA NATH BANDYOPADHYAY: ডেপুটি স্পীকার মহোদয়, আমার এই প্রশ্নটা এক মাস পূর্বে দেওয়া হয়েছিল এবং এক মাস পরে answer দেওয়া হয়েছে; এর ভিতর এই বিষয় facts finding হওয়া উচিত ছিল; কাজেই এই রকম দেরী হওয়াটা উচিত নয়। এটা আমি ভাল বিবেচনা করি না।

Mr. DEPUTY SPEAKER: It is not my business to say whether one month's time is long or short. It is the Hon'ble Minister's business. But I may say that one month's time is not a long time. It is a very reasonable time.

Sri PRAMATHA NATH BANDYOPADHYAY: এটা চাপা পড়ে যাবে একটা long time হলে।

Sri ISWAR CHANDRA MAL: মাননীয় ডেপুটি স্পীকার মহোদয়, Assemblyর যে proceedings সেটাকে record বলে ধরা যেতে পারে কি না? যদি ধরা যায়, তাহ'লে তার থেকে [illegible] materials যোগাড় হতে পারে। গভর্ণমেণ্ট কি তার জন্য প্রস্তুত আছেন?

Mr. DEPUTY SPEAKER: Assembly proceeding is not a record.

Sri ISWAR CHANDRA MAL: পরিষদ-গৃহে যে বক্তৃতা হয়, গভর্ণমেণ্ট তার note নিতে পারেন কি না; যদি পারেন, তাহ'লে সেই ভিত্তিতে কোন enquiry করতে পারেন কি না?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: If legally that is allowed we shall do it. We shall consult the Advocate-General.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if those statements that were made on the floor of this House will be taken into consideration by the officers or by the committee that Government will appoint to enquire into this question?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Yes, I have already said that.

Mr. DEPUTY SPEAKER: Yes, certainly. Government will take note of it, but it is not a Government record.

Sri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether this Government has made any enquiries to find out the particulars of the points raised?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Yes, as soon as I got this question, I asked certain officers whether there was any record. After enquiry it was found that there was no record.

Sri NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether in view of the allegations contained in the question Government considers the desirability of setting up a committee of enquiry on the subject to find out facts?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I have already answered that question. I have nothing to add. Probably the honourable member was not here then.

Mr. DEPUTY SPEAKER: Question over.

GOVERNMENT BILL.

The West Bengal Special Powers Bill, 1947.

Clause 18.

Sri JYOTI BASU: Sir, I beg to move that in clause 18(*1*), line 2, for the expression "clause (*a*)" the words "any provision" be substituted.

Mr. DEPUTY SPEAKER: Mr. Basu, you move all your amendments to this clause together and then make one speech.

Sri JYOTI BASU: All right, Sir. Sir, I also beg to move that in clause 18(*1*), line 4, for the word "fifteen" the word "seven" be substituted.

Sir, I further beg to move that in clause 18(*2*), line 6, after the words "Provincial Government" the words "consisting of one representative from each party or group represented in the West Bengal Legislative Assembly" be inserted.

Sir, the purpose of my amendment is that instead of the grounds of order being communicated to the person concerned who has been detained under clause 16—in every other case in which restrictive order is given to a particular person under clause 16 the grounds should be likewise disclosed and instead of the grounds being communicated to the person concerned within fifteen days, that should be done within a period of seven days. Sir, clause 18 contains nothing new : this is copied from the old black bill of the British Government and is, in fact, a slavish imitation of the hypocrisy of our rulers and in the mockery of justice it is unparallelled. The Government will, through its department of astrology I suppose, decide that I am about to commit a nefarious act and on the plea that prevention is better than cure, as Dr. B. C. Roy has pointed out two days back, I shall be put into prison but the Government in its clemency and out of its rare sense of justice will disclose to me my sins. But I am afraid it provides here—"not the whole of my sin but such parts of it as the Government thinks fit" shall be communicated to me. And on the basis of whatever I am told by Government about my acts of omission and commission, I shall have to give my representation to the Government in self-defence. Yet the Government knows very well, as I have pointed out again and again, that without a public trial before a court of law it is not possible for any accused to defend himself. It will take some time for us—common people—to understand the spiritual justice of the votaries of truth and non-violence with a view to removing an opponent. Of course this is the best method for Government. It may for instance, accuse me of helping in the illegal acquisition of arms. In the absence of a trial in a court of law what defence can I put up if the Government so chooses to defame me in the eyes of the public. Hence this mockery of justice may console the gentlemen sitting in power but the *kishans* and workers outside who have to fight against the policy of the Government and the capitalists and landlords whom the Government represent today, for a better standard of living, will see in this clause a reflection of a change that has suddenly come over the Congress leaders. That is why I have tried to make this a little less ineffective—this vicious clause, and I have submitted my amendment for that purpose.

Sir, as far as the second amendment is concerned, that is on clause 18(2), I have, instead of representing against the Government order to the High Court Judge, suggested to the Government that Judges whether they be of the High Court or of any other court, should not be made to prostitute their intelligence and their profession. Instead of asking them to give an *ex-parte* decision on such matters the best thing would be in such cases, for the Government, to appoint a committee consisting of representatives of different groups of this Assembly and place the papers before them. They of course being representatives of political parties who would have to appear before their electorates will think twice before dittoing to what the Government has done. That is the main purpose of my amendment with regard to sub-clause (2). Of course I know that these amendments may also meet the fate of the other amendments which I have placed on this Bill, but still I cannot but emphasise my point by referring Government to these two amendments and I ask the Hon'ble the Prime Minister, why he cannot accept them. I feel that he must have realised by now—and I am glad that on the other day when we discussed clause 16 about detention without trial many of the members on the other side spoke rather on the defensive—that it was not the right thing to do, but still the Government goes ahead with all these clauses and sub-clauses which they want to enact. We would like to have today an answer from the Hon'ble the Prime Minister because it is no good just giving us similes about small-pox epidemic and because of that some people losing their freedom. Sir, I can also give similar analogies because I know there are people who, if they are detained, most of the common people would feel happy about it. They are the black-marketeers, the profiteers and the capitalist class as a whole who form only about 3 to 5 per cent. of our society. If they are pounced upon by the Government, people would feel happy. But the Government does not do

that. All its laws are against the people, 95 per cent. of whom are common folk. That is the main point of our argument against this Bill, because we have seen side by side when this Bill was brought in this House another Bill against black-marketing. In that Bill nowhere will you find a provision whereby it is so provided that the black-marketeer, if the Government so chooses, shall be deprived of his liberty on mere suspicion. Government did not do that, because probably many of those gentlemen, those multi-millionaires, are acquainted with some of the gentlemen in power today on the opposite side. I think that is the main reason for enacting such ineffective law as the black-marketing law which was passed, and we know, nothing will be done against the black-marketeers. The record of the Government is also such with regard to the black-marketeers, as I have pointed out here time and again——

Mr. MUDASSIR HOSSAIN: It is irrelevant and it should stop. We have nothing to do with black-marketing here. This is a point of order. Why don't you give your decision?

Mr. DEPUTY SPEAKER: Please take your seat. It is no point of order.

Sri JYOTI BASU: Mr. Deputy Speaker, as I was saying, if we compare these two things, it becomes quite clear to us as to what the intention of the Government is: on the one side are the rich profiteering classes and on the other side, the common people. The Brooke Bond workers, I repeat it once again, can be arrested, their women can be dishonoured under the Special Powers Ordinance, but a profiteer, a multi-millionaire cannot be arrested although the Government and its officials know that these are the people who are responsible for black-marketing in Bengal, but nothing is being done against them. Government has not the power to do anything against them because, as I have said, some of them are their friends and Government represents this class and that is why Government did not do anything.

I know, when people, for instance, get tuberculosis, the best thing would be to confine these patients in a hospital so that they may not spread the disease elsewhere. Government will not do that. It will let loose these people whose whole body is affected with a foul disease. They can go out and have the completest liberty to move amongst the people and spread the foul disease and thereby send the people to their death. Such is their diagnosis of things. Today if 1, 2 or 5 per cent. of the people get tuberculosis, they will take away the liberty of 95 per cent. people and let these 5 per cent. people alone. Of course Dr. Roy is a great physician. I have the greatest respect for him—he is not here today—but I have not the slightest regard for his political diagnosis of things. That is why he gave a diagnosis which has nothing to do with the point.

So, Mr. Deputy Speaker, in conclusion, I would urge upon them to accept these two amendments which I have suggested and specially the second amendment wherein I say that if this Government is at all a popular Government, it need not fear popular representatives forming a committee to decide on the guilt or otherwise of a person if the papers are sent up to them because even before the papers are sent up, Government has the authority—has the power—not to send up all the papers under the plea that it may go against the public interest—they are so much enamoured of public interest. Therefore, if these two amendments are accepted, I do not think it will improve this vicious law in the slightest, but even then they would have at least proved their *bona fides* before the people.

Sri A. K. GHOSE: Sir, with your permission I move a short-notice amendment that sub-clause (2) of clause 18 be omitted.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I accept the amendment of Mr. A. K. Ghose, but I oppose all the three amendments of

Mr. Jyoti Basu. From the speech of Mr. Basu it appears that he also feels the necessity of a Special Powers Bill but he quarrels with the Government only over its application. He thinks it should be applied to multi-millionaires and not to the people to whom it has been applied. So, it is a matter of administrative detail. If on any point he can give me facts that it should be applied to such and such persons, he will be rendering first class service to Government and if on the basis of those facts I can put anybody under the Special Powers Ordinance, I shall certainly do so. So, he himself does not think—at least from his speech I could understand this point—that this Bill should not be passed.

Then he tries to make the whole thing ineffective by substituting 7 in place of 15. He himself says that he wants to make it ineffective. But if he wants that somebody should be arrested, somebody should be put under the Special Powers, he should not make it ineffective. Even if it is to be applied to X and not to Y, you should see that Government can effectively apply it to X.

Then he said about representation of each party or group I do not think the Cabinet can put facts before members of the Legislature who are not pledged with the oath of secrecy. So, we have said that it will come up before a High Court Judge, but it cannot be placed before members of the Legislature. Therefore, I oppose all the three amendments and I accept the amendment of Mr. A. K. Ghose.

The motion of Sri Jyoti Basu that in clause 18(*1*), line 2, for the expression "clause (*a*)" the words "any provision" be substituted, was then put and a division taken with the following result:—

AYES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

NOES—41.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Barman, The Hon'ble Shri Mohini Mohan.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Clarke, Mr. C. E.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Murarka, Mr. Basantlal.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.
Walker, Mr. J. R.

The Ayes being 2 and the Noes 41, the motion was lost.

The motion of Sri Jyoti Basu that in clause 18(*1*), line 4, for the word "fifteen" the word "seven" be substituted, was then put and lost.

Mr. DEPUTY SPEAKER: Then comes the short-notice motion of Sri Amar Krishna Ghose.

Sri JYOTI BASU: I thought, Sir, that my amendment No. 51 would be taken first.

Mr. DEPUTY SPEAKER: If the short-notice motion be carried, your amendment will fall through.

Sri NIHARENDU DUTT-MAZUMDAR: *Sir, there will be no harm in your being pleased to allow the voting on Mr. Basu's amendment first as suggested by him.*

Mr. DEPUTY SPEAKER: But this is the order. First the short-notice amendment of Sri Amar Krishna Ghose and then Mr. Basu's amendment.

Sri JYOTI BASU: On a point of privilege, Sir. I moved my amendment first and then the other one was moved. So in point of time mine should go first and the other one later.

Mr. DEPUTY SPEAKER: I will put the short-notice motion first. If this is carried then I shall take up your amendment.

Sri JYOTI BASU: I do not understand it at all. But since you are going to do it in this way you can do it.

Sri NIHARENDU DUTT-MAZUMDAR: Sir, before you give your final ruling——

Sri J. C. GUPTA: He has already given it.

Mr. DEPUTY SPEAKER: I have already given my ruling.

Sri NIHARENDU DUTT-MAZUMDAR: I was inclined to support Mr. Jyoti Basu, because of the motion having been moved first and for the sake of convenience.

The short-notice motion of Sri Amar Krishna Ghose that sub-clause (2) of clause 18 be omitted, was then put and agreed to.

Mr. DEPUTY SPEAKER: Amendment No. 51 of Mr. Jyoti Basu falls through.

The question that clause 18, as amended, do form part of the Bill was then put and a division taken with the following result:—

AYES—42.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Barman, The Hon'ble Shri Mohini Mohan.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Clarke, Mr. C. E.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Doloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Murarka, Mr. Basantlal.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.
Walker, Mr. J. R.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 42 and the Noes 2, the motion was carried.

Clause 19.

Sri JYOTI BASU: Mr. Deputy Speaker, Sir, I beg to move that in clause 19(*1*), line 3, for the words "subversive acts", the words "any recrudescence of communal troubles" be substituted.

I beg also to move that in clause 19(*3*), line 3, for the word "years" the word "months" be substituted.

This clause, Sir, seeks to control the use of loud speakers, megaphones and other instruments which amplify the human voice with a view to suppressing subversive acts. Now, we would have had no quarrel or no right-thinking man would have any quarrel if there was any Bill or any powers were taken by the Government which would stifle the voice of communalists, black-marketeers, and imperialists who are still in our midst today. Their poisonous voice cannot be allowed to be amplified to sow discord and create disorder in the country against the progress of our people. Prevention again is certainly better than cure, and I also agree that freedom, since the point has been raised, cannot exist for all sections of the society. So I suggest, let Government, which it has not done yet, curb the freedom of 5 per cent. of society. Let it mete out summary justice to those who steal and poison people's food, let it quarantine the British and Indian capitalists, who go about pouring venom and bringing chaos through the press and the platform amongst workers and labourers who need protection from them. People will acclaim this, but of course Dr. Ghosh will say, "I am innocent: I do not know who those people are who poison people's food, who those people are who are black-marketeers and profiteers, you point them out to me and I shall treat them in the way that I want to." But I would ask him, Sir, what about his officials—the officials who arrested Mr. Debnath Das, the officials who arrested the Brooke Bond workers, the officials who go about breaking into the homes of workers without warrant? Those police officials of Government—what do they do? Can't they find out who these black-marketeers are? Or, will he agree with me if I tell him that these people, these millionaires, from top to bottom can be spotted out but they have money enough to buy off the officials who actually have been bought off? Therefore they are not arrested and no action is taken against them. The Government has within its own fold people who have become communalists, who make speeches on the Maidan over the microphone preaching communalism, as we found the other day when the Deputy Prime Minister of India came here. We know that in our army and navy the Government is preserving as advisers the representatives of our rulers and we know that Government has, at the behest of the British and the Americans—now a new master has been added—given up nationalisation and are making strikes illegal without giving the strikers a living wage, and this we know from a very eminent physician, Dr. Bidhan Chandra Roy, who after his visit to America, speaking before the Eastern Chamber of Commerce, said that the Marshall Loan will not be given to India unless India bans all strikes and chaos ruthlessly, unless India pledges from beforehand that there shall not be at least for five years any nationalisation. Therefore, it is no use telling us "Here we stand above all classes; we have a Bill which will be used equally against this big landed interest or against capitalist and at the same time against any of the ordinary workers or the *kisans* if they choose to go against the State". It is not so at all, because we know that there cannot be and there is not any such thing as a Government standing above classes. We know that this Government today represents that section of society—that small section—5 per cent.—who are trying at every step to smother the democratic life in our country. Loud speakers, I know, will be used by the Government and their agents to spread all sorts of lies against the workers but we know that if we propose, if the workers and the *kisans* propose to hold meetings with the help of loud speakers, then they shall be told "your voice shall be stifled. The Government shall not allow you to raise your voice before the public". And we have seen this in operation.

To give you another example as to the kind of Government that operates in our land today. I was given, before I came to the Assembly today, an order from the Subdivisional Controller of Civil Supplies, Ghatal, wherein it says (Mr. A. K. Biswas is the Subdivisional Controller)—"It is learnt that one of the partners of Messrs. S. K. Roy & Brothers took part in organising a *hartal* on 29th December, 1947, last, the date on which the Hon'ble Prime Minister to the Government of West Bengal visited Ghatal. So, with the assent of the Subdivisional Officer the wholesalership in kerosene of Messrs. S. K. Roy & Brothers is hereby cancelled". This is one of the orders—Memorandum No. 130 G.S.O., dated the 9th January, 1948, and the names of five persons are given here—the names of five dealers on whom this order has been served. It has been protested against by Sj. Jyotish Chandra Ghosh who is the President of the Ghatal Shop Assistants Association.

This is the kind of Government officials and the kind of Government under which we have to live, and yet this Government will have the audacity to ask us to give them the power to do whatever they like with people's liberties, and yet Dr Ghosh asked me in the previous amendment to give him names of persons who are black-marketeers and profiteers with injured innocence as if he does not know who these people are. What are these police doing all the time? Get rid of this machinery. If you are really serious, get rid of them one by one. It is not a question who perpetrated violence on our people from 1941 to 1945 or any such thing. The whole machinery has got to go. It is not only the question of machinery, because we have seen—for the last one year it has been happening—this Government have step by step gone over to the side of the rich capitalistic class and the land-owners section, and that is why they have given them assurance, that is why the Deputy Prime Minister of India openly says to the capitalist section, "Why do you fear? You have your representative inside the Government. You need not be afraid that there will be nationalisation, that there will be Excess Profits Tax". He openly told them that. That is how the Government is proceeding along this evil path. Therefore, if today this Government tells me that they represent the people and therefore the people must give them power to curb the interest of 5 per cent of the people, why should I believe in that Government? Their actions belie what they tell us from the platform, what they have been telling us for the last 40 years. If the leaders can, within the stretch of three months, forget their whole revolutionary past, if they can repudiate all the Congress ideals for which they stood within three months, then for that Government to turn round and ask us to give them power nobody will not be taken seriously, because in point of fact it is no longer a question of theory. We know that within the last three months, even when Dr. Ghosh has become Prime Minister, in this country action has been taken against political party and political individuals, action has been taken against workers and we know that this is going to grow and grow still further. We know, for instance, if there is a strike such things can happen, such orders can be issued. We know if there is a strike, Government has the whole State machinery of oppression behind it, the police behind it to smash that strike if it wants it. We know, besides the police, the Government have built up their own volunteer organisation which they call non-violent but the face of which we saw only a few days back. We have seen this Government have almost adopted the fascist technique of Germany where there were Dr. Goebbeles, Hitler and so on who not only smashed up the trade unions of opposition parties but built up through the Government their own trade unions. We have seen that the Fascist Government not only built up their own trade unions after smashing up the trade unions of their rivals but they employed their own police to smash up the rival trade unions. On top of that this Government are passing fascist laws. So, the whole picture is nearly complete.

Therefore, Mr. Deputy Speaker, I feel that if this clause is related only to recrudescence of communal troubles, it would be another matter, but as

it stands under this clause Government can do whatever it likes in the way of controlling loud speakers and amplifiers and so on. That is why I have spoken against it.

Then the punishment meted out is three years for violation. I have suggested that it should be three months.

Sri NIHARENDU DUTT-MAZUMDAR: Mr. Deputy Speaker, clause 19 of the Bill to which two amendments have been moved provides for control of loud speakers, megaphones, etc., when used for purposes of subversive designs or for instigating communal riots. Sir, the honourable member opposite moving his amendments advanced objections based on the ground why should human voice be controlled except, he conceded, for the purpose of checking communal riots and things like that. But, Sir, it is not merely a question of controlling human voice when mechanical devices are used. It is well known that a thing called a barrel to which a trigger is fitted and a spring is laid inside somewhere always imparts a tremendous impact to a missile which when runs out is called a bullet, but you may do as much practice by it as you like with impunity but if you are provided with firearms you have got to take a licence but you do not say that you use it for any and every purpose. If human voice which can work so much mischief as we have often found from experience is used for anti-social, anti-national, anti-patriotic purposes against the safety of the State as well as of society, I do not see any reason whatsover why that should not be controlled.

I can understand when in one country an alien enemy comes and occupies it as an occupying power and sets up an enemy state, and it becomes a sacred and bounden duty of the nationals of the subjugated land to rise in rebellion against that state and destroy and overthrow that state. Sir, we understand that those who destroy and overthrow the state set up by enemies in one's own land are the patriots, heroes whom all the nations honour and welcome, and it is their sacred duty and privilege to struggle for the freedom to overthrow that state, but the same honour is not bestowed on people under different circumstances who start their agitations or subversive acts against their own national state. They are called traitors and they are dealt with very harshly. Even the law of treason prescribes—although in no other law intention can be punished that treasonable intention against one's national state has got to be punished, because if that is allowed to mature in life, it becomes an irretrievable calamity for the state. Where the needs of the safety and security of one's own nation, one's own state, one's own society or freedom of one's own people are concerned, there, Sir, laws are directed against controlling instruments of mischief. It is precisely in that context that loud speakers and megaphones are to be controlled—not for legitimate use of that implements or instruments but for the illegal, treasonable and outrageous use with subversive intention and purposes. That is what it aims at achieving. All legitimate use of these instruments is precluded from this control measure, and that is made amply clear. I do not see any reason why my friend opposite should get so perturbed over this clause. Why should he imagine that he is to come within the mischief of this clause? Well, Sir, I would remind this House and that may be one reason for getting perturbed. If we take our memory not very far back but to the 16th August, 1946, the Association to which the honourable member belongs,—they supported Direct Action. They supported Pakistan movements, they supported all manner of activities which were declared against the nationals' struggle for freedom which was directed against the unity of our people, which was directed against the communal harmony of the citizens of this province irrespective of their religion whether they are Hindus or Muslims. That was allowed to pass with impunity. If my friend wishes today to exercise the liberty of direct action against any section of the people, if he wishes to exercise his liberty of advocating communal divisions among the people, I have not the slightest doubt that the people of Bengal would give every support

to their Government in suppressing such unsocial, anti-national, unpatriotic, criminal elements from the body politic of this province. Sir, I do not see why my friend suddenly started spouting hatred and venom against the speech which he heard from the Deputy Prime Minister of India. Over a million people congregated in the Calcutta maidan to hear the speech of the Deputy Prime Minister.

Mr. MUDASSIR HOSSAIN: On a point of order, Sir. Are these things relevant—what the Deputy Prime Minister said or what other people said?

Mr. DEPUTY SPEAKER: I am on my legs. Please resume your seat. Mr. Jyoti Basu mentioned these things and he is only replying to that. Therefore it is relevant.

Sri NIHARENDU DUTT-MAZUMDAR: Sir, I sympathise with my friend spouting so much venom against the Deputy Prime Minister. Over a million people assembled to hear him. Our workers of the industrial areas of Calcutta and its environs gathered in lakhs and lakhs to hear the Deputy Prime Minister of India. Our peasants around the city congregated there, the poor clerks and the entire city public congregated there in order to hear the Deputy Prime Minister of India. At what cost, and what a calamity the greatly trumpeted general strike through which we expected the new fangled Messiah to come for the salvation of workers and peasants found a debacle; and, Sir, it is on that day that my friend whom I admire for very reasoned and well-balanced attempts at argumentation lost his balance, and he felt a passion for hitting in the back those peasants and workers because of the disappointment; and the attempts at self-appointed leadership were struck to the very quick. Incidentally the failure of the strike has proved that these hollow pretensions to speak in the name of peasants and workers are nothing but sham. It has been demonstrated again and again that the gentlemen of that tribe have not the slightest right or mandate to speak on behalf of the workers and peasants of India. This is one thing which ought to have been made amply clear. They gave out calls for strikes, and in support of their calls they have been using loud speakers, megaphones, etc., with impunity. Nobody has bothered about that. Now, Sir, there are two methods of sponsoring a strike. One method is if the workers are to go on strike, they take a decision on an industrial issue or on any issue on which they legitimately feel called upon to go on strike. They take a vote, workers go on strike by their own decision That is one method, a legitimate method which no Government can interfere with, which this very Bill has provided for in so many words, namely, that such industrial strikes are excluded from the purview of this Bill. If any Government dares interfering with the workers who decide on a strike, such a Government cannot exist and has no right to exist in a democratic age; otherwise the people rise in rebellion against that Government There is another method which is adopted by self-appointed leaders of workers. That is the method of a decision not by a vote to strike but by brickbatting on the workers, trying to coerce them and compel them to resort to hooligan methods in the name of workers and trying to delude the public and not to lead but to mislead the public into a morass, and when the workers do not listen to them they bring about riots and other disgraceful things. We have seen through the evil, that infamous propaganda in the Calcutta papers during Britain's war by a set of traitors. Such things are an abuse of liberty; such things cannot be tolerated by any country. Yet this Government never for a day interfered with the use of microphones and megaphones, because it has been known that they were making futile attempts.

Sir, much has been said about the heinousness of capitalists and communalists. I endorse every word of that statement and say that no Government can exist unless it lay its long arm on the heinous endeavour of capitalists and communalists. At the same time, I shall warn the Government to beware and see while getting hold of capitalists and communalists

that their stooges might not escape unnoticed. All capitalists and communalists act not by themselves but through their stooges who were the Crown criers of "People's war" and who were the supporters of Direct Action on the 16th August, 1946, and it is the tender soul of this country and the compassion of our people nurtured in the Baishnabic traditions which even make some margin for traitors with the hope that they may be redeemed in time to come. That is the spirit and this is what lies behind such apprehensions. I can say this as we have discussed it in a Select Committee of this House and in public discussions that nobody is naive enough to be misled. This is a provision directed against the agitators, the stooges of capitalists and communalists, the fifth columnists and the enemies of India and none else.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Deputy Speaker, Sir, I oppose the amendments of Mr. Jyoti Basu. Of course I do not want to speak emulating the invectives with which Mr. Jyoti Basu spoke, because it is not a paying proposition, either here or there, and repeating fifty times that the Congress is totalitarian, the Congress is supporting the capitalists, also will not help him. Of course there are some people who think that truth is nothing but persistent propaganda. I do not believe in that theory. There are some people who want to beat Hitler by the Hitlerian doctrine, but I do not want to confine myself to that.

In the first amendment of Mr. Jyoti Basu he wants to confine the whole thing only to the recrudescence of communal trouble, but I want to stop communal troubles as well as other troubles. The other trouble is that supposing today somebody wants to do a certain act by which electricity is stopped or the gas is stopped, are we to prevent it or not? That is the whole question. It is too much now to talk of black-marketing and black-marketing fifty times, although nothing to that effect was uttered when that Bill came to this House. If any reasonable amendment had come at that time, of course we would have accepted that. That Bill was passed unanimously and nobody opposed it. So what Mr. Basu now says about that Bill is all irrelevant here. I want to stop black-marketing as much as anybody else. Mr. Basu says, why has it not been effected? I can say that there are black-marketeers as well as all those people who go to them for the purchase of commodities in the black-market or for money. There are such people, and dishonesty is not confined to one section but almost to all sections of the people. Therefore it is very difficult to detect dishonesty, and on that ground I have appealed to him also to help me. But he has twisted my appeal in a manner peculiar to his own. When I offered the hand of fellowship to him, he wanted simply to bite it. Therefore it has led me to think that even to offer the hand of fellowship is dangerous. But I do sincerely hope that by our efforts we will be able to prevent all kinds of subversive acts including black-marketing. I consider them to be an offence of the first magnitude, and every State must try its level best to stop black-marketing. But if we cannot do that, it will be a standing disgrace not to the Government alone but to the whole nation. Therefore I appeal to every member through you, Sir, to help Government in stopping black-marketing and also other things. Sir, Mr. Basu wants to insert the word "months" in place of the word "years" so that by fanning communal trouble he can come out free after one month's imprisonment. If he wants to stop communal trouble, but for that purpose if he thinks only one month's imprisonment is sufficient, then I am sure he is not serious about it. Therefore I would ask the House to reject his amendment and accept the clause as it is.

The motion of Sri Jyoti Basu that in clause 19(1), line 3, for the words "subversive acts" the words "any recrudescence of communal troubles" be substituted, was then put and a division taken with the following result:—

AYES—2.

Basu, Mr. Jyoti.	Brahmin, Mr. Ratanlal.

NOES—44.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Clarke, Mr. C. E.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Murarka, Mr. Basantlal.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Poddar, Mr. Anandilal.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.
Walker, Mr. J. R.

The Ayes being 2 and the Noes 44, the motion was lost.

The motion of Sri Jyoti Basu that in clause 19(3), line 3, for the word "years" the word "months" be substituted, was then put and lost.

The question that clause 19 do stand part of the Bill was then put and a division taken with the following result:—

AYES—39.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Murarka, Mr. Basantlal.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Roy, Mr. Jajneswar.
Sinha, Mr. Bimal Chandra.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 39 and the Noes 2, the motion was carried.

Clause 20.

Sri JYOTI BASU: Sir, I beg to move that in clause 20(3), line 3, for the words "five years" the words "fifteen days" be substituted.

Of course, this sub-clause provides for punishment, that is 5 years with regard to drilling of a military nature, movement, evolution and so on, which may be prohibited by Government.

Now, first of all, I do not understand at all—I have not been able to understand—I hope the Hon'ble Minister will enlighten me on this matter—what this evolution means.

Mr. DEPUTY SPEAKER: Mr. Basu, this is prayer time.

(The House was then adjourned for 15 minutes.)

(After adjournment.)

Sri JYOTI BASU: As I was saying, Sir, this sub-clause penalises drill of a military nature and the imprisonment may go up to 5 years. I do not see any reason why this particular sub-clause or the clause itself for which this penalty has been meted out is necessary at all in view of the fact that subversive acts include anything and everything and drill if it be of a nature which is prejudicial or subversive can in any case under the Act be prevented without this particular sub-clause. This clause, I believe, has been specifically provided in order to ban all volunteer organisations of the workers, *kisans* and so on and the Government does not wish today to encourage organisations which would be either critical of the Government policy or opposed to the Government policy. The Government has formed its own Indian National Trade Union Congress, but not satisfied with that under this provision they are bringing in volunteer organisations of different trade unions and *kisan sabhas* in order to crush all opposition altogether, because we know that volunteer organisations and this drill of a military nature and so on, are quite necessary in order to conduct our struggles. But if volunteer organisations are banned under the pretext that they are of a military nature then I am afraid no such organisation can exist and the workers will lose their very instrument through which they conduct their economic and political struggles. I should have thought that if we were really a free Government then it would be the bounden duty of the Government to appeal to the people, to appeal to all sections of the people, to organise drills of a military nature, movement of a military nature in order to train our people who have been subjugated for so long, who had in fact under the British rule been taught to forget that they could ever fight. I thought that all this would have changed if we were really a free people, but such things are not happening. On the contrary drills are being sought to be prohibited. Of course I do not understand, as I was saying before, what is precisely the meaning of evolution. Probably it means something but I have not been able to understand it. I hope Dr. Ghosh will explain it. Anyhow, I cannot understand why any sort of movement which may resemble military movement or military drill is being prohibited or penalised and 5 years' imprisonment may be given. We in this country claim to be free but on the other hand we are asking the British Generals and Admirals to come and teach us how to fight—Generals and Admirals who have never known the art of warfare. We know how they fought during the last war and these very same people are being put in the position of trust and power in our country. Now, the highest Admiral would be an Englishman and a General would be an Englishman. So it seems to me that we in this country are trying to mortgage our freedom to outsiders once again. That is why reliance is not placed on our own people so that we can officially and unofficially encourage and organise military drills or military movement and so on whereby once again we can be in a position to organise ourselves for the defence of our motherland if the situation ever arises. On the contrary the people will now be frightened to take exercises in the open air, because they will fall under this particular clause and they may get an imprisonment for 5 years. That is why, in view of the fact that Government will not delete the whole clause which is not necessary at all, I have suggested that the punishment may extend to 15 days and not more than that. That would serve the purpose, if you want to warn the people for any action. But in any event in the case of a communal body, a communal volunteer organisation and you have the fullest authority without this particular sub-clause to ban that particular organisation. But how can you ban that particular organisation I ask Mr. Deputy Speaker through you the Ministry, because we know that the representatives of communal organisations have been taken in the Central

Government at Delhi. You cannot go and ban that organisation, an organisation of which Dr. Syamaprosad Mookerjee is the President. It is not possible. In the very Central Government you have taken the representatives of communal organisations. Therefore the sole purpose of this sub-clause is to suppress the working class organisations, *kisan* volunteer organisations which spring up in the course of their struggle for life and liberty.

Sri BIMAL CHANDRA SINHA: Mr. Deputy Speaker, Sir, I would not have intervened in the debate on this clause but for one fact. Before I proceed with what I have got to say, I would like to explain what the word "evolution" means. The word "evolution" means—perhaps in military technology evolution means joining up of different manœuvres. Some portion of military training is done in the field, some portion is done in the barracks and some portion is done in the schools. These are different parts of evolution and when these three are joined they complete the course of military training. If I am wrong, I am subject to correction. but perhaps that is the meaning of the term "evolution"

Now, I will turn to the observations made by my honourable friend opposite. On hearing his speech I am again reminded of what observations he made while we were discussing clauses 16, 17 and 18 On that occasion I tried to point out that we were really perhaps working at cross purposes. On that occasion I tried to make it clear that so far as this Bill is concerned, it was the intention of this clause that legitimate political activities should not in any circumstances come under the purview of this Bill. Therefore as an explanation to clauses 2 and 7 of this Bill, we excluded all legitimate activities in the political sphere from the purview of this Bill. Whenever we have to interpret this clause we shall remember that all legitimate political activities cannot come under the purview of this Act. As there might be reasonable grounds for suspicion that this power might be misused, therefore we have thought to provide a machinery whereby that power cannot be misused or if it is misused to correctly apply it as far as possible. That machinery will, I think, be provided by the various amendments moved from this side of the House If that be so, what is the real implication of this ban on unlawful drilling I quite agree with what my honourable friend opposite has said that in the situation we are in today the whole manpower of the country must be harnessed in order to prevent all subversive movements seeking to overthrow this newly-created State, to set at naught this newly-achieved freedom That is our object without bringing, however, any legitimate political activities within the purview of this Act in any official or unofficial military manœuvres They are not meant for furthering the cause of the State but are supposed to be made for overthrowing or going against the very nature and fundamentals of the State. If that be so, Sir, I think there ought to be a repudiation whereby such subversive acts ought to be stopped. My friend has said that this clause is perhaps meant to prohibit the legitimate activities of *kisans* and workers. I may say that if the Congress is true to its professions, then there cannot be any doubt that the *kisan* and the *mazdoor* must be the foundation of the newly-born State that has come into existence on the 15th August, 1947, and if the people of India could wrest power from the unwilling hands of British Imperialism, and if they have been able to do so, they are not afraid of that section of the people, the brown bureaucrats if they would try in their effort to rule over them for ever. If that be the situation, I have no doubt that the *kisan* and the *mazdoor* will assert their rights and see to it that their rights are fully established where they are in a majority. In that case, Sir, the only purpose of this clause cannot but be to prevent such unlawful drilling from taking place as is designed to overthrow the State and give freedom to subversive elements. Therefore I think there are cogent reasons why this section should be here. You may perhaps remember that during the hectic days of communal trouble on the fateful days following the 16th August, 1946—in those days there sprang

up in dark alleys communal organisations which tried to create trouble and bringing men gave them uniforms and gave them some sort of military training and arms and set them to all nefarious purposes. I shall not mention the name of any community because I must confess that during those hectic days both the communities were after such nefarious activities. I do not want to say both the communities, but some sections of both the communities. You could see nightly drilling of guards in uniforms displayed in suspicious corners and also suspicious activities of various classes of people which it was in the interest of the State not to allow but to stop altogether. If you are not to allow such activities to take place again, then I think there ought to be a power given to the State whereby they can suppress all those nefarious activities. I also join with my friend that there cannot be any ban from the State which can legitimately shut out all their grievances and all legitimate demonstrations for the rights of the people. Sir, the rights of the people have been amply safeguarded in clause 17 and elsewhere, and so far as this clause is concerned, it relates to those classes of activities which are to be stopped in the interest of the State and in the interest of the general masses. Therefore, Sir, we should see to it that there is no misuse of power and if in preventing misuse of power, some more power is necessary, personally speaking I have not the slightest hesitation in my mind that some such power should be given to the State, if it is used judiciously and cautiously and in furtherance of the interest of the masses whom the present State seeks to represent.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I oppose the amendment of Mr. Jyoti Basu. He wants to substitute in place of "five years" "fifteen days", and that means he wants to make the whole thing ridiculous. In fact this should not be considered as an amendment. This is merely opposition for opposition's sake. But he has put it in such a way that technically it can be considered as an amendment. Then he has made some observations in course of his speech that Dr. Syamaprasad Mookerjee has now been taken in the Central Cabinet and he happens to be President of the Hindusthan National Guard. If the Hindusthan National Guard does something wrong, Mr. Basu thinks that as Dr. Mookerjee is connected with it, no step can be taken against it. It is an entirely mistaken idea. I can assure him that if the Hindusthan National Guard does something wrong, then certainly steps will be taken against that National Guard, and I can also tell him that if the Muslim National Guard does something wrong—whether Mr. Abdur Rahman is connected with it or not, I do not know—but even if that be so and if that organisation does something wrong, steps will also be taken against it, and if Mr. Jyoti Basu is connected with some volunteer organisation and if that organisation does something wrong, steps will also be taken against that organisation. Whether Dr. Syamaprasad Mookerjee is a member of the Central Cabinet or not, the Hindusthan National Guard cannot claim any immunity on that ground so far as the West Bengal Government is concerned. That much I can assure Mr. Basu, and on that ground I cannot accept his amendment and I hope the House will reject it.

The motion of Sri Jyoti Basu that in clause 20(2), line 3, for the words "five years" the words "fifteen days" be substituted, was then put and lost.

The question that clause 20 do form part of the Bill was then put and agreed to.

Clause 21.

Sri JYOTI BASU: Sir, I beg to move that in clause 21(1), lines 2 and 3, after the words "apparel resembling" the words "very closely" be inserted.

I beg also to move that in clause 21(1), line 3, the words "or part of a uniform" be omitted.

Sir, as this clause 21 stands, it may mean that anybody wearing a khaki shirt and shorts may be hauled up under this clause, because it may be said that he wears a uniform resembling the uniform of His Majesty's Forces or the Forces of the Dominion of India. In fact if somebody wears a khaki shirt, he may be hauled up because he wears a dress resembling part of a military uniform Similarly, Sir, if somebody dyes a Gandhi cap blue, it may look like the head-dress of the Indian Air Force personnel, and he may also come under this clause. There is no knowing that Government may not go to this ridiculous length. Therefore I suggest that the apparel should very closely resemble a military uniform and that the words "part of a uniform" should be deleted. It must be proved that the apparel did actually resemble the uniform of the personnel of His Majesty's Forces. Otherwise any police sub-inspector or anybody might look at somebody, two, three or four people coming in khaki shirts and arrest them up under this section. Therefore I have suggested these amendments.

Mr. MD. KHUDA BUKHSH: Mr. Deputy Speaker, in clause 21 my honourable friend Mr. Basu has suggested this very reasonable amendment.

Sir, you are aware that the Government of India in their Disposals Directorate are getting rid of surplus military uniforms of American and British make and, Sir, you have seen in the streets the number of people who buy them for the sake of their cheapness If the Government so thought, these poor people who want to protect themselves from the rigours of winter by buying these cheap American surplus military clothing could also be brought under the mischief of this section. So, I hope Government will see the necessity of this amendment and accept it.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr Deputy Speaker, I oppose both the amendments of Mr. Jyoti Basu In the first amendment he said "very closely". Now, who is going to decide what is close and what is very close? These are couched in such vague language that in law courts it will be a very difficult business to decide this and arguments will go on for a very pretty long time whether it is close or very close. So, it will be an impossible business. Therefore, I do say that vaguely-worded things like this expression "very closely" should not be there at all.

Mr. Jyoti Basu wants to ridicule almost everything and goes always to the other extreme But everything should be read with reference to the context. He forgets this elementary thing that everything must be read with reference to the context. A portion of this Ordinance which has been put in the Bill has been even now in force and not a single person—neither Mr. Basu nor Mr. Khuda Bukhsh—has been arrested under that law. There has been no such misuse up till now. People have got some common sense. Even law must be used with some sense of equity. That sense of equity we have got, but if somebody loses his balance and tries to go the other way round, then, of course, we cannot help it. Supposing a man puts on the top portion of a police uniform and certainly he may do some mischief. So, he ought to be arrested. Otherwise, he will make a little variation in the police uniform or some other uniform and thus try to be immune from the law Therefore, the Act should be such that a real criminal may be hauled up and Government should always see that an innocent person is not punished, but a criminal must be hauled up. Specially we do not like that a private army should function or anybody make any misuse of anything.

Therefore, I oppose both the amendments of Mr. Jyoti Basu.

The motion of Sri Jyoti Basu that in clause 21(*1*), lines 2 and 3, after the words "apparel resembling" the words "very closely" be inserted, was then put and lost.

The motion of Sri Jyoti Basu that in clause 21(*1*), line 3, the words "or part of a uniform" be omitted, was then put and lost.

The question that clause 21 do stand part of the Bill was then put and a division taken with the following result:—

AYES—37.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Platel, Mr. R. E.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

NOES—12.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abdur Rahman Siddiqi, Mr.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Idris, Mr.
Serajuddin Ahammad, Mr.

The Ayes being 37 and the Noes 12, the motion was carried

Clause 22

Sri JYOTI BASU: Sir, I move that the following proviso be added to clause 22(*1*), namely:—

"Provided that powers under this sub-section shall be exercised only for the maintenance of communal peace or for suppressing riots".

Now, Sir, the powers under this clause will, I am afraid, be used by the officers of Government for strike-breaking activities, and the services of workers may be requisitioned in a particular area for that particular purpose. That is why I have given this amendment For instance, it may so happen that in one particular area comprising 2 or 3 mills strike may break out, and the Government, when it sees that it has no other authority or power under the law to crush that strike, will resort to this tactics and proclaim that a state of emergency has arisen, and law and order must be maintained. Any particular officer by a special order of the Provincial Government or by a general order may requisition the services of those striker-workers to guard or protect, as they would say, the property of owners. Similarly, in a village, the *kisans* may be asked by police officers there to come and protect the property of zemindars and *jotedars* even though that property might have been stolen by the zemindars and *jotedars* from the workers That is why I do not wish to give the Government this all-pervasive power, whereby an officer may establish slavery. That is why I have suggested that this power shall be exercised only for maintaining communal peace, or if there are communal riots these powers may be necessary to be used. Otherwise if it is used for general purposes, I am sure, as I have said with regard to the other clauses, it will be used by Government officers in that manner. I can refer Dr. Ghosh to what I said previously for which I have not got any answer yet. Government officers are behaving in an atrocious manner. This I pointed out from the circular from the Controller of Civil Supplies in Ghatal. Now an officer chooses so to behave that because the Prime Minister goes there and some shop-keepers may not like and may want to voice their protest and go on strike the Civil Supply Officer issues an order cancelling the licences of five or six shop-keepers. If the officers are going to behave in that irresponsible

manner, anything can happen. The things, as they are happening under this Government, point to the fact that we cannot give this Government the general power which they want—for instance under clause 22(*1*), and hence my amendment.

I also move that in clause 22(*2*), line 4, for the word "months" the word "weeks" be substituted.

On this I have nothing much to say except that the punishment must be less instead of six months.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I would oppose both the amendments of Mr. Jyoti Basu. I think I need not go into the whole thing over and over again, because the very same arguments are being used by Mr. Basu over and over again, and therefore what I have already said covers the point. I think I need not repeat my arguments. With these words, I oppose the amendments, and I hope that the clause, as it is, will be kept.

The motion of Sri Jyoti Basu that the following proviso be added to clause 22(*1*), namely :—

"Provided that powers under this sub-section shall be exercised only for the maintenance of communal peace or for suppressing riots",

was then put and lost.

The motion of Sri Jyoti Basu that in clause 22(*2*), line 4, for the word "months" the word "weeks" be substituted, was then put and lost.

The question that clause 22 do stand part of the Bill was then put and a Division taken, with the following result:—

AYES—35.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanallal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 35 and Noes 2, the motion was carried.

Clause 23.

Sri JYOTI BASU: Sir, I beg to move that clause 23(*1*) be omitted.

I beg also to move that in clause 23(*2*), line 4, for the word "years" the word "weeks" be substituted.

Mr. Deputy Speaker, now here although the editor, the printer, the publisher and so on have been exempted from the rigours of the law in view of the fact that editors of newspapers protested against it, we know that this may be used against ordinary individuals. For instance, we may in the course of our political work get hold of a document which goes to show the attitude of some of the Government officers or of the Government itself in its dealing with the people; and for instance, recently I have got hold of

a military document issued from the Calcutta Fort and in it the heading is "Subversive acts", and thereafter it is said, "This is issued to all units of the Army posted in Bengal". And, Sir, in that circular the officer signing asks for the activities of the Communist Party in India. It is amazing that a document issued from the Army Headquarters in Bengal should contain such a question. I do not know since when and how the Communist Party has been declared to be an illegal party. I do not know how he has interpreted the activities or acts of the Communist Party as subversive in the sense in which he asks for information in that document, because he says that periodically, monthly or fortnightly reports should be sent by all Units of the Army about the activities of the Communists. Now, Sir, if Congressmen can be members of the Armed Forces, I do not see why the members of another legal party cannot be members of the same Armed Forces or how their activities can be interpreted under the heading "Subversive acts", whereas the activities of any other organisation or of people belonging to any other organisation have not yet been classified under the same heading. Since I have given this information, I shall certainly show this piece of document to the Prime Minister and ask him what he can do about it. Now, if the officer goes on interpreting the law in this manner, I cannot imagine where we shall get into. I am afraid, if that document is found on me under the provisions of this Act I may be asked by the Government to furnish that document to the Government in the interest of public safety and for the suppression of subversive acts. The very fact that I have got hold of this precious document would probably be interpreted as a subversive act and I would be asked to give it up. Therefore, I am certainly against the deletion of this particular section, but I know that the Chief Minister may say that that is not his department, that the Army is under the India Government, but for us common people it is all the same whether it is under the India Government or under the Bengal Government. The law is being interpreted in this manner. Now, if this particular document goes to all the Army Units, we know what is going to happen. The better course would be to declare the Communist Party of India illegal or to openly declare that no member of the Communist Party of India shall become a member of the Dominion Forces or His Majesty's Army. If that is done, then one can understand that the Communist Party is an illegal party, therefore as such becoming a member of that party means a subversive act or an illegal act. But when we find that the Communist Party has not been declared by the India Government or the Bengal Government as illegal, I do not see why the members of that party have to suffer in this manner. If with regard to the Congress members also you take a similar attitude or with regard to the Muslim League members you take a similar attitude, then it would be a different matter altogether and we could understand as the Minister tried to make out, that everybody is equal in the eyes of law. But unfortunately such things are going to happen that those who are opposed to Government will be crushed by fair means or foul. Therefore, I say that this particular clause be deleted.

About the other things I have nothing much to say except that since I am wholly opposed to this particular clause, punishment should be three weeks in place of three years.

The Hon'ble Dr. PRAFULLA CHANDRA CHOSH: Mr. Deputy Speaker, I oppose both the amendments of Mr. Jyoti Basu. He wants to delete sub-clause *(1)* of clause 23 altogether. He objects to the supplying of information to the Government if anybody is going to do anything subversive and Government wants to prevent it. It is the duty of all patriotic citizens to see that subversive activities may be suppressed. I do hope that 99·9 per cent. of the people would be patriotic enough but there may be some ·1 or ·01 per cent. unpatriotic people. The law is meant for that sort of people if they do not help Government in suppressing unlawful activities, violent activities or communal activities or subversive act

like illegal possession of arms, etc. Unless you help the State how can you build up a really true State? If you always think that the State and the people are in opposition, if you run with the idea that there is antagonism between the State and the people, you cannot build up a good State. Therefore we do expect that the vast majority of the people would help the State, but if there are unsocial elements in the State who would like subversive activities, Government's hand must be strong enough to suppress them and must be strong enough to get information from the unsocial elements. That is all that is contemplated in this section. So I do oppose the amendment.

As for the other thing—substituting months for years—it is almost a chronic amendment. So I oppose that also.

The motion of Sri Jyoti Basu that clause 23(*1*) be omitted was then put and lost.

The motion of Sri Jyoti Basu that in clause 23(*2*), line 4, for the word "years" the word "weeks" be substituted was then put and lost.

The question that clause 23 do stand part of the Bill was then put and a division taken with the following result:—

AYES—34.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 34 and the Noes 2, the motion was carried.

Adjournment.

The House was then adjourned at 6-30 p.m. till 3-45 p.m. on Tuesday, the 13th January, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 13th January, 1948, at 3-45 p.m.

Present:

Mr. Deputy Speaker (Sri ASHUTOSH MALLICK) in the Chair, 7 Hon'ble Ministers and 57 members.

Government Resolution on Mahatma Gandhi's fast.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Deputy Speaker, Sir, with your kind permission I move the following special resolution on the fast undertaken by Mahatma Gandhi:—

> "This meeting of the West Bengal Legislative Assembly is deeply concerned over the news of the fast undertaken from today by Mahatma Gandhi for an indeterminate period with a view to bring about Hindu-Muslim unity. In the opinion of this Assembly a great responsibility has consequently fallen upon the people of this country including those of West Bengal. This Assembly therefore appeals to our people to endeavour more vigorously towards immediate establishment of good will between communities which will create conditions within the country as would not necessitate the continuance of the fast by Mahatma Gandhi, the great architect of India's freedom and apostle of truth and non-violence. This Assembly prays for the long life of Mahatma Gandhi."

Sir, I do not want to inflict a speech on this resolution. I am sure every one of us feels for the whole situation that has necessitated the fast of Mahatma Gandhi. I hope we shall pass this resolution in the spirit with which Mahatma Gandhi has undertaken this fast.

With these words, Sir, I move this resolution.

Mr. ABUL HASHEM: Sir, on my behalf and on behalf of the party to which I have the honour to belong, I fully associate myself with the resolution just moved by the Hon'ble the Leader of the House.

We, on this side of the House in particular, very much appreciate the sincere efforts that Mahatma Gandhi has been making for establishing communal harmony here in the Indian Dominion.

Sir, personally sometimes in my vacant mood I try to find out why still these communal difficulties are continuing. I fail to understand its logic. There is no denying the fact that there has been bitterness between the two great communities of India, but, Sir, in my humble opinion the misunderstanding, distrust and misgivings that existed between these two communities must now be taken as dead and a matter of past history, because the representative leaders of the Muslim League and the Congress agreed to accept the Mountbatten dispensation; and I think so long as these two States exist we should confine our attention, energy and efficiency to build these two States to the best of our ability.

Sir, I think that the best way, the fitting way to appreciate and recognise the services that Mahatma Gandhi at this old age is rendering to the people of India would be to take upon ourselves as has been expressed in the resolution the entire responsibility of maintaining communal harmony here in India, and I have no doubt that very wisely the Hon'ble the Leader

of the House has brought this resolution before us. The entire West Bengal Muslims and Hindus will appreciate this and will also take upon themselves individually as well as collectively the responsibility of assuring Mahatma Gandhi not merely by words but by their action that they want to stand by him so far as the establishment of communal harmony in this country is concerned.

With these words, Sir, I once again associate myself with the resolution that the Hon'ble the Leader of the House has moved in appreciation of Mahatma Gandhi's fast for communal harmony here in India.

Mr. C. E. CLARKE: Mr. Deputy Speaker, Sir, on behalf of my colleague and the party which I represent I wish most heartily to associate myself with the resolution before the House.

Sri JYOTI BASU: Sir, while associating myself with the resolution which has just been moved by the Prime Minister I feel that a great responsibility devolves on the different Congress Governments and Congress leaders in the matter of bringing about Hindu-Muslim unity in the Indian Union, because I have felt to my dismay that although once before Gandhiji undertook a fast, unfortunately that lesson was not driven home among the different Ministers, and Ministers started thinking in the different Provinces that if sufficient powers were given to the police and so on then communal harmony would be brought about. And that is why today we are in this predicament once again that a great leader has to risk his life at his old age in order to bring about Hindu-Muslim unity. But we know that it cannot be done. Change of heart does not come about merely in this manner, and that is why we feel pained that the Government and the Congress leaders have not really taken a serious view whatever they might say in the matter of Hindu-Muslim unity, because even now we find Congress leaders making irresponsible communal utterances. Therefore, Sir, if really every Congressman associates himself with this resolution then we shall see them in action in the different Provinces in the effort to bring about Hindu-Muslim unity and save the life of a great man.

Mr. DEPUTY SPEAKER: I think the House is desirous of passing this resolution, and I would ask the members to rise in their seats to signify their assent to the resolution.

(All members rose in their seats.)

Thank you, gentlemen. The resolution is carried unanimously.

Presentation of the preliminary report on the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1947.

The Hon'ble Sri KALIPADA MOOKERJEE: Mr. Deputy Speaker, Sir, with your permission we, the members of the Select Committee to which the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1947, was referred to by a motion carried in the West Bengal Legislative Assembly on the 8th December, 1947, were enjoined by the said motion to present our report to the Assembly on the 15th January, 1948.

The Committee met for the first time on the 12th January, 1948, in the Committee Room of the Assembly House, Calcutta. The subject matter of the Bill is difficult and intricate and deserves thorough consideration and some more time will be necessary for the Committee to conclude their deliberations and come to a final decision on the provisions of the Bill.

We, therefore, submit this our preliminary report and recommend that the time for submission of the final report may be extended till the 17th February, 1948.

The motion was put and agreed to.

GOVERNMENT BILL.

The West Bengal Special Powers Bill, 1947.

Clause 24.

Sri JYOTI BASU: Sir, I beg to move that in clause 24, line 7, for the word "years" the word "months" be substituted.

Sir, I have no speech to make on this, but my point is that the period of punishment should be reduced, because, as I have already pointed out, I am not in agreement with the spirit and purpose of this Bill, and therefore I would like to reduce the punishment to three months instead of three years.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I oppose the amendment of Mr. Basu. This kind of amendments he has repeated several times and I have nothing more to add.

The motion of Sri Jyoti Basu that in clause 24, line 7, for the word "years" the word "months" be substituted, was then put and lost.

The question that clause 24 do stand part of the Bill was then put and agreed to.

Clause 25

Sri JYOTI BASU: Sir, I beg to move that in clause 25(*1*), lines 4 and 5, the words "or for maintaining supplies and services essential to the life of the community" be omitted.

Sir, I maintain that these words should be omitted because these are too wide. The main purpose of the Bill, we are told, is to deal with four or five specific problems; and now to requisition the property of anybody for maintaining supplies and services essential to the life of the community would, I am afraid, mean that if the workers in essential service would go on strike in protest against any oppressive act of the manager or any other authority and even if that strike is not necessarily connected with industrial disputes then they will have to pay the penalty of losing their property whether movable or immovable. Therefore it is better not to leave any scope for any such interpretation by an officer of the Government because in any case this law is a lawless law and therefore I do not see any reason why there should be any further scope for officers to interpret things according to their likes and dislikes. Sir, I shall here point out by giving an example how the strikes of workers can be affected by maintaining these words in this particular clause. For instance, I have with me the case of the Secretary of the Rationing Employees' Association—one Ashutosh Samanta—who was discharged from service recently a few days back. And the Government, of course, tells us that any legitimate or bona fide criticism of Government will not fall under this Bill at all. But here, Sir, we find that on the day on which firing and tear-gassing took place outside the Assembly House, this gentleman was standing there and he saw what was happening. A tear-gas bomb even fell inside their compound where he was in the Town Hall, and because of the fact that one employee was injured as a result thereof he gave a statement as Secretary of the Union to the Press. Now, Government asked him to explain as to why he should not be discharged from service because he had violated certain fundamental rules of the Government by giving a statement, and thereafter he did submit a statement saying that as Secretary he only narrated the incident that took place outside the Assembly premises and that thereby he did not violate any rules. But unfortunately after that he has been discharged from service, because under rule 18 by the issue of such a statement it is capable of embarrassing the relations between the Governor-General in Council and the people of India or any section thereof. Now, this thing itself is very savage, because even the British Government did not dare to do any such

thing when the Secretary of any Union in a Government firm or Government department issued a statement to the press. This new method has been started by our Congress Government—that is what we find today. And yet the Government will tell us that the employees have a right to form their Union: they can organise themselves and do whatever they like; provided they make legitimate criticisms of the Government nothing is going to happen. But this gentleman has been discharged from service for criticising the firing or tear-gassing by the police. Even that is not allowed: it is a crime under the Bengal Government rules, whereas we find that politics is not barred at all as far as the Government servants are concerned, because a few days back the Public Prosecutor of Howrah issued a statement along with others, and there were several Government servants there supporting the Bill—the Security Bill—but that gentleman has not been discharged from service. The point here is that if in support of the Government anybody does politics nothing untoward is to happen, but if I oppose the Government and if I narrate in the papers my own experience of being beaten by the police, I may be discharged from service. That is what is happening today under the Congress Government in Bengal.

Therefore, I say that now the Rationing employees, for instance, would be certainly entitled to go on strike in protest against the discharge from service of their Union Secretary, but if they do so, they will be told "this strike of yours does not come under the Industrial Disputes Act and, therefore, all of you will be discharged from service" because they have obstructed the maintaining of services essential to the life of the community. That is how this clause will be interpreted if those particular words remain here and, therefore, I would like to know from Dr. Ghosh what answer he has to give to the points that I have raised because every time he says "it will not be used against the working classes We shall not do any wrong. If there is any legitimate criticism, we do not want to oppose it " He has told us all these all the time. Those are the patent answers that we are getting from him. But unfortunately every day I am giving examples—I am not just talking in the air—explaining as to what his officers are doing. Does he take responsibility for the action of his officers—I would like to know from him. It is not a question of officers alone acting in this manner It is a question of the Ministers themselves taking fullest responsibility for the actions of their officers. Therefore, I would like to know from Dr. Ghosh as to what answer he has to give and whether my amendment is to be accepted by him or not.

Sri A. K. GHOSE: Mr. Deputy Speaker, I beg to move my short-notice amendment that in the proviso to sub-clause (*1*) of clause 25 for the word "property" the words "place or premises" be substituted.

I move further that in paragraph (*a*) of sub-clause (*4*) of clause 25 after the words "shall be paid" the words "within three months" be inserted

Mr. MD. KHUDA BUKHSH: Mr. Deputy Speaker, Sir, I beg to move that in proviso to clause 25(*1*), lines 1 and 2, after the words "purpose of religious worship" the following expression ", dispensaries, hospitals, places where the sick are tended and places where religious education is imparted," be inserted.

Sir, I am quite sure it is never the intention of Government to requisition the places I have just now mentioned, but since the Government have chosen to mention one such by name, I suggest, to avoid any confusion, that all these places be mentioned specifically in the Bill and I hope Government will accept my amendment.

In regard to the short-notice amendment moved by Mr. Ghose I feel that he wants to restrict property to only premises and other places which are used for the purpose of religious worship, but you are aware that in our country not only premises and other buildings are used but also sometimes open spaces or sometimes the shade of a tree are from time immemorial

used as places of worship and these should be included. But I find Government have tried to exclude all those places where people—I do not know whether I should use the legal terminology—have the right of easement to offer their prayers. They want to avoid all those places and that is why they have moved this short-notice amendment. If it is meant to exclude all those places where people from time immemorial congregate and offer their prayers, then I oppose their amendment.

Mr. DEPUTY SPEAKER: Mr. Khuda Bukhsh, you move your next amendment.

Mr. MD. KHUDA BUKHSH: Sir, I beg to move that in clause 25(*4*)(*a*), line 3, after the word "agreement" the word "forthwith" be inserted.

Sir, this relates to the compensation that is arrived at between the party and the Government by agreement. I suggest that by the inclusion of the word "forthwith", the payment will be made more expeditiously. I am certain that Government has no intention to delay payment and harass the recipient of compensation, but the delay occurs in the department which have to handle these compensation cases. Sir, red tape and going through the formalities and technicalities of the case take inordinately long time. I think, Sir, the inclusion of the word "forthwith" will obviate all those delays and the department will be gingered up to the extent that is necessary for the avoidance of harassment to the recipients of this compensation.

I understand, Sir, that an officially sponsored amendment has been moved in regard to this clause where they want to give the department three months' time. I do not think the amendment has yet been moved. Can I speak on that?

Mr. DEPUTY SPEAKER: Yes, it has been moved.

Mr. MD. KHUDA BUKHSH: There the Government want to give the department three months' time which, I think, is inordinately long. So, I suggest that "forthwith" should be accepted and that will certainly give the department sufficient time that it must take to deal with the papers with proper expedition but will not give the department any latitude to make delay for settlement of claims to the recipients of compensation.

Sri JYOTI BASU: Sir, I beg to move that in clause 25(*4*)(*b*), lines 2 and 3, for the words beginning with "as arbitrator" and ending with "Additional District Judge" the words "Board of Arbitration consisting of the Member or Members of the West Bengal Legislative Assembly of the area concerned" be substituted.

I feel that if there is no agreement with regard to compensation for property requisitioned, then instead of foisting the responsibility on a District Judge or an Additional District Judge, the members of the Assembly should be given that responsibility because, as I have said in the previous amendment, I feel that this particular clause is going to be used against the interests of the people to curb the legitimate activities of the people. Therefore, we would like to see 2, 3 or 4 arbitrators being members of the Legislative Assembly who would give judgment with regard to any such property which is requisitioned by the Government because we know that the people themselves will get hold of them when they go to the electorate or go to the different constituencies. So, there will be some check on their giving any judgment which would go against the interests of the people whose property has been requisitioned.

Mr. MD. KHUDA BUKHSH: Sir, I beg to move that in clause 25(*4*)(*c*), line 3, for the word "acquired" the word "requisitioned" be substituted.

I think, Sir, it is a printing error and it does not need any explanation *because it reads: the* Provincial Government may, in any particular case, *nominate a person having expert* knowledge as to the nature of the property acquired—the clause is dealing with requisition and the word used here is "acquired"—and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose.

Mr. DEPUTY SPEAKER: You move your next amendment No. 69.

Mr. MD. KHUDA BUKHSH: Sir, I move that in clause 25(7), line 1, after the words "the immovable property" the words "in like good order and condition" be inserted.

Sir, this amendment is aimed to ensure that the owner of a property will get back his property in like good order and condition, natural wear and tear is of course excepted, as when the Government originally placed his property under requisition. Sir, it is common knowledge and it is well known that property requisitioned by Government is not placed in responsible hands. For example, Government may have need to requisition property for the establishment of a refugee home or a vagrant camp or something of that description, and it is a tall order on the occupants and probably it is a tall order on the Government also to see that occupants handle all the fittings and other fixtures of the house in a manner that when they leave the house the owner will find them in the same condition as when the occupants came into the house. Sir, it has come to our notice and it is agreed on all hands that owners do not find the property requisitioned by Government in the same condition. To ensure that this does not happen I have put in this proviso that it should be made over to the owner of the immovable property in like good order and condition.

Sir, I also move that in clause 25(*9*), line 1, the word "when"——

Mr. DEPUTY SPEAKER: No, that is not in order.

Mr. MD. KHUDA BUKHSH: Sir, if all these amendments are moved together, I submit, it will make sense. If this amendment alone is moved it will not make any sense, I admit. So, if you allow me to move all the amendments together and then carefully scrutinise them you will find that it makes sense. It is a very important amendment and I hope Government will see its way to accept this amendment.

Mr. DEPUTY SPEAKER: Mr. Khuda Bukhsh, if you want to move this amendment you will have to move it in a different way. You can move a substitution amendment for the whole clause.

Mr. MD. KHUDA BUKHSH: Sir, I put in the amendment but due to inexperience as a member probably I did not put it in the manner it should have been put, but I crave your indulgence to allow me to move this amendment, as it is a most important amendment and it will improve the Bill.

Mr. DEPUTY SPEAKER: There is difficulty in allowing this amendment to be moved, as if all your amendments are not accepted and if only this amendment is accepted then it will be meaningless. But if you put in a substitute clause then it will be in order, otherwise it will not be in order.

Mr. MD. KHUDA BUKHSH: Then I move all the amendments together——

Mr. DEPUTY SPEAKER: I hope you will not press it further.

Mr. MD. KHUDA BUKHSH: Then I move amendment No. 71. Sir, I move that in clause 25(*9*), line 1, after the word "when" the words "on the expiry of one calendar month from the publication of" be inserted.

Sir, shall I move the next amendment No. 72 which is of the same nature?

Mr. DEPUTY SPEAKER: No, that is not in order, the reason being the same. You move amendment No. 73.

Mr. MD. KHUDA BUKHSH: Sir, I move that in clause 25(9), line 4, the words "on and from the date of such publication" be omitted.

This clause is with regard to a hypothetical case. This deals with the case of the owner of a property who is not easily traceable where Government want to release the property to the owner after requisition. Here the Bill on the one hand admits that the owner of the property is not easily traceable—that means that the ordinary methods of tracing the owner have been tried and failed and again in the same breath assumes that immediately the notice is published in the official gazette the owner of the property would come and take delivery of the property. This is inconsistent. I suggest—in order that the clause might convey some sense—that some time should be given between the publication and his actually coming to the Government to take delivery of the released property—the owner who is not easily traceable might be in Calcutta or in some other municipal town where provisions of this Bill are promulgated. Therefore I have suggested "on the expiry of one calendar month from the publication of the notice". Otherwise it becomes inconsistent. You admit that the man is not easily traceable and you assume immediately the notice is published in the official gazette the man will be there to take over the possession of the released property. The Government thinks that it provides full discharge of Government's liability in respect of that particular requisitioned property. Sir, this is dangerous, because I do not want that any owner of a property who was good enough to allow his property to be used by Government to suffer all these kinds of treatment—that the property will be nobody's between the time the notice is published in the official gazette and the time he comes and takes possession of the property. Therefore I suggest that this amendment should be accepted. Government should see its way to accept this amendment, because it really gives meaning to this provision. With these words I commend my amendment to the acceptance of the House.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr Deputy Speaker, Sir, I accept the amendment of Sri Amar Krishna Ghose and also the amendment No. 68 moved by Mr Khuda Bukhsh. Mr Khuda Bukhsh wants that for the word "acquired" the word "requisitioned" should be inserted. It is, I think, only a clerical or linguistic error. But I oppose all other amendments.

First of all, I shall deal with Mr Jyoti Basu's amendment. He says that "or for maintaining supplies and services essential to the life of the community" should be dropped. He does not like that services essential to the life of the community should be maintained. He should have the civil liberty to disturb the services essential to the life of the community. But that is not civil liberty. That is uncivil licence. (Sri Jyoti Basu: You have the liberty to sack me!) No Government can allow uncivil licence to anybody however big he may be. He has referred to one particular case in this connection. I do not know what was the relevancy of that. He said that a Government officer has been discharged for not conforming to the service rules. The Government officer came under the rules of the Government and it was his duty to conform to the rules. But he found that he could not serve under the rules. He accepted the service on condition that he would conform to the rules. I think Mr Jyoti Basu's arguments do not hold good at all.

Then comes amendment No. 64 of Mr. Khuda Bukhsh. I oppose this amendment also because this point has been sufficiently covered by "purpose of religious worship" which is there already in the section. He wants more—he wants dispensaries, hospitals, etc., should be exempted also. Now, Sir, supposing in times of difficulties, say when a communal riot takes place in a village and some places have got to be requisitioned by Government in the interest of the people themselves but Mr. Khuda

Bukhsh will come with a lawyer and say that Government cannot take possession of this place and that place, because law does not provide it. Now, religious education is imparted in almost every school. Religious education is now being imparted everywhere, in hospital, in jail even. Therefore, according to him such places cannot be requisitioned. If we are to exempt all such places it will be a hopeless and impossible proposition. I do not think Mr. Khuda Bukhsh wants to make the whole thing ridiculous. So, I oppose the amendment.

As regards amendment No. 66, namely, that after the word "agreement" the word "forthwith" be inserted, I hope Mr. Khuda Bukhsh has seen the amendment of Sri Amar Krishna Ghose for inserting the words "within three months" which is more precise and more definite, and I think it is better than Mr. Khuda Bukhsh's amendment. So I oppose amendment No. 66 and accept the amendment of Sri Amar Krishna Ghose.

As regards amendment No. 67, I find Mr. Jyoti Basu prefers a member of the Assembly to a District Judge. I am quite sure that a member of the judicial rank will always be preferred to a member of the Assembly, and on that ground I oppose that amendment.

Amendment No. 68 I have already dealt with.

As regards amendment No. 69, I oppose it. Government tries to trace the man but if Government cannot, what can Government do? Government shall always try to give proper delivery of the immovable property.

I also oppose amendments Nos. 71 and 73 for they mean more or less the same thing as the sub-clause, and accept amendment No. 68 and Sri Amar Krishna Ghose's amendment.

Mr. MD. KHUDA BUKHSH: I wish to convey my thanks to the Hon'ble the Prime Minister reading for the word "acquired" the word "requisitioned".

The motion of Sri Mr. Jyoti Basu that in clause 25(*1*), lines 4 and 5, the words "or for maintaining supplies and services essential to the life of the community" be omitted, was then put and a division taken with the following result:—

AYES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

NOES—44.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, The Hon'ble Shri Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Clarke, Mr. C. E.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Penteny, Mr. L. R.
Platel, Mr. R. E.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 2 and the Noes 44, the motion was lost.

The short-notice amendment of Sri Amar Krishna Ghose that in the proviso to sub-clause (*1*) of clause 25, line 1, for the word "property" the words "place or premises" be substituted, was then put and agreed to.

The motion of Mr. Md. Khuda Bukhsh that in proviso to clause 25(*1*), lines 1 and 2, after the words "purpose of religious worship" the following expression ", dispensaries, hospitals, places where the sick are tended and places where religious education is imparted," be inserted was then put and a division taken with the following result:—

AYES—13.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abdur Rahman Siddiqi, Mr.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Muhammad Idris, Mr.
Muhammad Rafique, Mr. J. P.
Muhammad Siddique, Dr. Syed.
Serajuddin Ahammad, Mr.

NOES—39.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, The Hon'ble Shri Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Poddar, Mr. Anandilal.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 13 and the Noes 39, the motion was lost.

The motion of Sri A. K. Ghose that in paragraph (*a*) of sub-clause (*4*) of clause 25 after the words "shall be paid" the words "within three months" be inserted, was then put and agreed to.

The motion of Mr. Md. Khuda Bukhsh that in clause 25(*4*)(*a*), line 3, after the word "agreement" the word "forthwith" be inserted, was then put and lost.

The motion of Sri Jyoti Basu that in clause 25(*4*)(*b*), lines 2 and 3, for the words beginning with "as arbitrator" and ending with "Additional District Judge" the words "Board of Arbitration consisting of the Member or Members of the West Bengal Legislative Assembly of the area concerned" be substituted, was then put and lost.

The motion of Mr. Md. Khuda Bukhsh that in clause 25(*4*)(*c*), line 3, for the word "acquired" the word "requisitioned" be substituted, was then put and agreed to.

The motion of Mr. Md. Khuda Bukhsh that in clause 25(7), line 1, after the words "the immovable property" the words "in like good order and condition" be inserted, was then put and lost.

The motion of Mr. Md. Khuda Bukhsh that in clause 25(9), line 1, after the word "when" the words "on the expiry of one calendar month from the publication of" be inserted, was then put and a division taken with the following result:—

AYES—14.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abdur Rahman Siddiqi, Mr.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Idris, Mr.
Muhammad Rafique, Mr. J. P.
Muhammad Siddique, Dr. Syed.
Serajuddin Ahammad, Mr.

NOES—40.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, The Hon'ble Shri Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das, Miss Bina.
Das, Dr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Doloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Jajneswar.
Sinha, Mr. Bimal Chandra.

The Ayes being 14 and the Noes 40, the motion was lost.

The motion of Mr. Md. Khuda Bukhsh that in clause 25(9), line 4, the words "on and from the date of such publication" be omitted, was then put and lost.

The question that clause 25, as amended, do form part of the Bill was then put and a division taken with the following result:—

AYES—37.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, The Hon'ble Shri Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Doloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Dr. Bidhan Chandra.
Roy, Mr. Jajneswar.
Sinha, Mr. Bimal Chandra.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 37 and the Noes 2, the motion was carried.

Clause 26.

Mr. MD. KHUDA BUKHSH: Sir, I beg to move that the following proviso be added to sub-clause (*4*) of clause 26, namely:—

"Provided that premises that are dwelling houses shall be entered only between sunrise and sunset."

Sir, in this clause Government are taking powers to enter into any place, any property at any time of the day or of the night. Sir, it is preposterous to think that the sanctity and privacy of a dwelling house can be violated by Government at dead of night. Sir, emergencies that are contemplated to be met by this Bill will surely not overtake the country overnight. They will be of gradual evolution, and I hope that the police to whom these powers are going to be entrusted are sufficiently wakeful and vigilant to observe and study very carefully and follow their growth and evolution. If the police felt that they had to break into a house for purposes of search or for any other legitimate purpose,—a house which was being used as a dwelling house—at dead of night, it would be a sad commentary on their vigilance and wakefulness, and in that case it would be unnecessary and useless and even dangerous to entrust the police of that type with powers of this sweeping nature. It is with respect to this that a note of dissent has been appended to the proceedings of the Select Committee and it was the sense of some members of the Select Committee including myself that if Government felt that it was necessary to break into and search places at all times of the day and night, such places could not properly include places which were dwelling houses, because we feel that dwelling houses should be treated on a different footing and that they should be exempted from the sweeping nature of this clause. If the police felt that a dwelling house should be searched, they could surely wait till daybreak. There was no necessity for the Government to insist even after the note of dissent was appended to the minutes of the Select Committee —

Mr. DEPUTY SPEAKER: You cannot disclose the secrecy of the Select Committee.

Mr. MD. KHUDA BUKHSH: Sir, it is no longer a secret, it has been submitted as a note of dissent which has been printed and published, that it has been the sense of some members that this proviso should be added. So I hope Government will accept my amendment.

Sri NIHARENDU DUTT-MAZUMDAR: Mr. Deputy Speaker, Sir, I think the objection of the honourable member opposite is misconceived. The whole measure is for the purpose of preventing any wrongful acts or any acts which might have very bad consequences. For instance, there is information that somewhere in some part of Bengal some particular house is being used for the purpose of transmitting information to any foreign State, where a radio transmitter is being concealed or such other articles or some dangerous documents are there. There I do not see why after receipt of certain information necessitating that the house will have to be searched, the police should be compelled to wait for several hours till sunrise for by that time everything may be allowed to disappear. It has been found that many things have of late been actually seized as a result of searches in various premises at night which, I think, nobody would insist on being given out as a sort of information to all, and actually such a state of affairs is contemplated. This measure is meant for the purpose of effecting a search in order to seize such articles and then why by delay should any opportunity be given so that the miscreants may safely conceal or get away with whatever might be in their possession. Allowing time in such circumstances is the most dangerous thing. I cannot suppose anybody can seriously suggest that Government should oblige men who are using illegal transmitters or acid boxes or other articles for the manufacture of dangerous things by allowing them full cover of darkness and that

night time should act as a bar against any such power for seizure of such articles. I do not see the reason or logic behind such things. And who is to be disturbed by such sort of searches—not any patriotic law-abiding citizen of the State but the enemy agents. Furthermore, Sir, I would like to point out that enemy agents might take all the precaution to give a pirate's nest the appearance of a dwelling house without it actually being a dwelling house or they might convert a dwelling house into a pirate's nest. It loses the sanctity of a dwelling house and those who get mixed up with that kind of activity must necessarily expose themselves to the little inconvenience of police getting inside in order to unearth the mischief they are working. Sir, it is a matter which is plain on the face of it and I do not think that my honourable friend Mr. Khuda Bukhsh need at all get perturbed about it, and anybody who professes or declares loyalty and allegiance to the State should all the more help the Government in bringing to its notice information of any such thing happening. We know, Sir, even during the recent riots it has been detected—detected by very responsible persons—that in quarters nearby various implements for assassination are being prepared or sharpened and giving time is giving them opportunity to remove such implements, and I do not think that this Bill, which is meant as a preventive measure, should co-operate with the agents of mischief to the jeopardy of the State in giving them facility to conceal their mischief-making by gaining time. No householder, no ordinary citizen need have any fear on account of this and I really do not think that Mr. Khuda Bukhsh would seriously insist on an amendment of this nature. I would in fact ask Mr. Khuda Bukhsh, if he found that from a certain house or in a certain locality sniping was going on of a communal nature or of a subversive nature, does he seriously suggest that the police and the Government should oblige snipers by resting overnight until the evil deeds of the snipers may be perpetrated at the cost of life, limb and property and everything? I do not think that Mr. Khuda Bukhsh had considered coolly such consequences and circumstances which might arise, and I therefore do not think that in view of all these considerations my honourable friend Mr. Khuda Bukhsh or anyone else, a responsible citizen owing allegiance to the State can suggest this amendment or in the face of such things may not agree to withdraw that amendment in view of the evil consequence that might follow.

I would therefore request my honourable friend to withdraw his amendment and I would commend this clause to the acceptance of the House.

Mr. DEPUTY SPEAKER: Mr. Basu, do you like to say anything? If you like you can speak on this. Incidentally, you have not tabled any amendment on this clause.

Sri JYOTI BASU: Now, it is prayer time. So, after prayers I should speak.

Sri NIHARENDU DUTT-MAZUMDAR: Mr. Deputy Speaker, on a point of order. It is the inherent privilege of members to rise and speak and it does not need the invitation of the Deputy Speaker to members to get up and speak. I therefore, submit you will rule your invitation out of order and Mr. Basu and anybody else may speak as a matter of right.

Sri JYOTI BASU: Shall I speak now or after prayer?

Mr. DEPUTY SPEAKER: You can begin now.

Sri JYOTI BASU: Mr. Deputy Speaker, Sir, I thought that you felt probably some speech was necessary from my side because of the speech which was just now made by Mr. Niharendu Dutt-Mazumdar on this particular clause. Of course, in the usual way—because probably some prize is awaiting the honourable member very soon—he is trying to defend every power of the police as far as this particular Bill is concerned. So I am not surprised that today it has been his privilege to suggest that the dwelling

house shall not be the sanctuary of anybody, that it has no sanctity, in fact to suggest that any policeman, whether he is a sub-constable or whoever he is, shall enter anybody's dwelling house for any purpose he likes, because we know that sufficient powers, vague and general powers have been given in this particular Bill, in clause after clause, whereby it is possible for the police under any pretext whatsoever to go and enter anybody's dwelling house.

I have suggested times without number that this Bill has not been framed with a view to punish the 5 per cent., as I suggested yesterday, but in order to punish the 95 per cent. That is why we are against this Bill. But that particular thing does not seem to enter the heads of some of the members sitting opposite. While today the Special Powers Ordinance is in force, what have the Government done? We have seen them letting off goondas who were arrested under the Special Powers Ordinance and arresting ordinary common folk because these people for their bread, for their clothes went on a strike or did some such thing. That has happened. I have repeated that so many times, and yet to suggest to us today that these powers are being taken in order to punish the 5 per cent of our society is quite wrong. They have no justification to say so, Sir, because I feel if they had any justification my points would have been answered. Up-to-date none of my points has been answered and therefore I feel that the amendment which has been brought by Mr Khuda Bukhsh is perfectly right, justified and the Government should accept it.

(The House was at this stage adjourned for 15 minutes.)

(After adjournment.)

Mr. MUDASSIR HOSSAIN: Mr. Deputy Speaker, Sir, may I speak on this amendment?

Mr. DEPUTY SPEAKER: Yes, only for five minutes

Mr. MUDASSIR HOSSAIN: I shall finish in less than five minutes.

Mr. DEPUTY SPEAKER: That is all right

Mr. MUDASSIR HOSSAIN: Sir, this clause runs thus:

"Any police officer, and any other person authorised by the Provincial Government in this behalf may, for any purpose connected with the prevention or suppression of subversive acts or with maintaining supplies and services essential to the life of the community or for carrying out the provisions of this Act affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may for the purpose of exercising the power conferred by this section enter any premises, vehicle or vessel at any time".

Sir, the authority which has been invested in the police officer is only to enter the premises for the purpose of affixing any notice, for displaying it on the notice board or something like that and not for the purpose of search or arrest or any such thing like that. So, I think the amendment is misconceived. It is only for the purpose of affixing notice and not for the purpose of doing anything else. It is not a question of violation of sanctity of a house and disturbing any person just in the dark at night or arresting a person and searching him. That is not the duty of the police officer.

Sri BIMAL CHANDRA SINHA: Why do you not oppose it then?

Mr. MUDASSIR HOSSAIN: I say that it is misconceived and should be withdrawn

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Deputy Speaker, Sir, while listening to the speech of Mr. Khuda Bukhsh I was wondering whether he believes in the theory that it is day light that makes

sins. He was talking also of the sanctity of dwelling houses. If a dwelling house is sanctified it is sanctified both during day time as well as at night. He should also remember that there are certain persons who want to do all irreligious activities in the name of religion as if it was their creed to do so. Therefore this talk of sanctity should not come in. I can give him one definite instance. Supposing, for example, a policeman gets information that a man possesses 10 lbs. of picric acid in his house. Now if the house cannot be searched for 4 or 5 hours at night, the man will be able to dissolve all the picric acid in one hour, and when the police comes no picric acid will be found. But if the house is searched then and there the picric acid can be found. Does Mr. Khuda Bukhsh want that picric acid should be found or not? So I do not think that this sort of sanctity of dwelling houses is relevant when the question of safety of the State is concerned. Therefore I oppose the amendment and I hope the House will reject it.

The motion of Mr. Md. Khuda Bukhsh that the following proviso be added to sub-clause (*4*) of clause 26, namely:—

> "Provided that premises that are dwelling houses shall be entered only between sunrise and sunset."

was then put and lost.

The question that clause 26 do stand part of the Bill, was then put and agreed to.

Clause 27.

Sri JYOTI BASU: Sir, I move that in clause 27, line 2, the words "or attempts to abet" be omitted.

I feel, Sir, that these particular words "or attempts to abet" have not much of a meaning, because it would be very difficult to prove that one did not attempt to abet, if the police all of a sudden bring such a charge against any person, and consequently he will be liable to prosecution because he cannot defend himself at all. In practice of course I do not know how Government officers or police will bring this charge against anybody unless they set up a department of astrology where astrologers will find out that particular persons at particular places are not only abetting but attempting to abet. So without the aid of astrologers I do not think such a charge can really be brought against anybody with sufficient proof. Now it may so occur during a particular strike, as it has happened in fact it was reported to me, one gentleman was walking by the strikers who were standing round. All on a sudden a policeman came and said: "I want to arrest you". He asked: "What have I done?" The policeman said: "I think you are about to do some wrong" and naturally he could not reply. He did not know what reply to give. He said: আপনি কি হাত দেখতে শিখেছেন না গুণে এটা বলছেন যে আমি কি করবো না করবো ?
So, Sir, that is the position and that would be the position if this is left to the police officers to interpret this law according to their own likes or dislikes. I think it would be far better if no scope was given to anybody to interpret the law in this way in order to save us from this trouble. Of course these particular words look rather funny, but the point is that as far as individuals are concerned it will end up in a tragedy for them and it will land them in prison. So I would urge upon the Home Minister to delete these particular words, because that won't affect this Bill at all if he accepts my amendment.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I oppose this amendment and I do not wish to deliver a long speech. In Mr. Jyoti Basu's mind there is always a ghost before him. He sees ghosts in day time. I cannot help it and therefore I oppose this amendment.

The motion of Sri Jyoti Basu that in clause 27, line 2, the words "or attempts to abet" be omitted, was then put and lost.

The question that clause 27 do stand part of the Bill, was then put and agreed to.

Clause 28.

Sri JYOTI BASU: Sir, I move that in clause 28(*1*), line 2, after the words "of apprehended" the word "communal" be inserted.

Sir, experience has shown that sometimes it may be necessary when there is a communal riot to search persons on the spot after it is declared that a particular area is dangerous and it is necessary to search people for arms and so on. We found that from experience that this was necessary in some cases, but I am afraid that in this particular clause it does not refer to a situation which may arise out of a communal riot or disturbance But again the powers are general, and under a cover general powers are being taken—all-pervasive powers. In this particular clause for any of the things which the Government may consider chaos and disturbance but which we may consider as of a different nature—there also the Government will notify in the Official Gazette that a particular place is dangerous and there such search may take place. Again I would refer the Government to the fact that it may so happen that in a particular area two, three or four mills may go on strike and the Government may take it into their heads to crush that strike. Of course they have every method open to them to crush the strike, but they are adopting another means of doing so; they have their press, the platform, the I N. T U. C. and other stooges in the labour rank, but together with these they are taking this provision so that they may declare that in a particular place a riotous situation has arisen and let loose the police The police will go there in the name of conducting searches for arms and weapons but will in fact harass the workers and beat them up That is why I particularly insist that if it is merely to stop communal riots and so on, then one might have added the word "communal" after the word "apprehended", so that in ordinary course this particular clause cannot be applied to other cases. Sir, if my fears are untrue, if I am really seeing a ghost—although I do not speak in the air as Dr. Ghosh does—I have given him a document in black and white and shown him how ordinary workers have been arrested, but no reply has come from the Prime Minister. Even Mr Khuda Bukhsh pointed out that some Muslim Leaguers were arrested in his district but they were later on released. I would like to know very much, when this clemency has been shown, what steps the Hon'ble the Prime Minister has taken against the irresponsible police officers who were responsible for arresting those gentlemen if they were innocent, but no answer is forthcoming. Therefore if my fears are untrue and if he thinks that I am seeing ghosts all around, he may clear my apprehensions by accepting this amendment, and I hope my amendment will be accepted.

Sir, I now beg to move that the following further proviso be added to clause 28(*1*), namely:—

> "Provided further that no such search of a woman shall be carried except in the presence of two female witnesses."

Sir, in this I am trying to make a special provision whereby decency will be adhered to by the woman who is carrying out this search. Sir, it is not merely a question of search by a woman, because we are afraid and we have seen that the police have not changed since the 15th of August and their behaviour also has not changed: they are the same as ever, and through all the non-violent *mantras* the Ministers have not been able to change their hearts. That is why we have seen them behaving in a manner in which they have done in the past. So if the Home Minister appoints a woman to carry out searches of other women, we do not see how she will adhere to decency as it is claimed here in this clause. Therefore, Sir, the

best thing would be, when the search is conducted, to have two female witnesses so that what is provided in this particular clause may be adhered to by the police. That is the purpose of my amendment.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I oppose both the amendments of Mr. Jyoti Basu. In amendment No. 77 he wants only to add the word "communal" after the words "of apprehended", that is, if it is only a communal danger, then the accused will be punished. But, Sir, I may tell him that there are other kinds of danger also.

Sri JYOTI BASU: ও সব ভুল। Ghost!

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: He sees with one mind and I see with another mind: that is the difference. How can I help him?

Sri JYOTI BASU: এ ভুতের রাজত্বে আর ক'দিন বাস করা যাবে।

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Then, as regards amendment No. 78, we have made a provision that no woman shall be searched except by a woman. Mr. Basu says that even search by a woman would not be satisfactory and that there should be two women witnesses. He always suspects that everything might be done: he always suspects and sees things with a suspicious mind. Then what are we to do? Therefore, Sir, I oppose both the amendments and I hope the amendments will be rejected by the House.

The motion of Sri Jyoti Basu that in clause 28(*1*), line 2, after the words "of apprehended" the word "communal" be inserted, was then put and a division taken with the following result:—

AYES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

NOES—40.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, The Hon'ble Shri Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Murarka, Mr. Basantlal.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Roy, Dr. Bidhan Chandra.
Sinha, Mr. Bimal Chandra.

The Ayes being 2 and Noes 40, the motion was lost.

The motion of Sri Jyoti Basu that the following further proviso be added to clause 28(*1*), namely:—

"Provided further that no such search of a woman shall be carried except in the presence of two female witnesses."

was then put and a division taken with the following result:—

AYES—10.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abdur Rahman Siddiqi, Mr.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.

NOES—37.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhandari, The Hon'ble Shri Charu Chandra.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Murarka, Mr. Basantlal.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Dr. Bidhan Chandra.
Sinha, Mr. Bimal Chandra.

The Ayes being 10 and the Noes 37, the motion was lost.

The question that clause 28 do stand part of the Bill was then put and agreed to.

Clause 29.

The question that clause 29 do stand part of the Bill was then put and agreed to

Clause 30

Sri JYOTI BASU: Sir, I move that the following proviso be added to clause 30(*1*)(*b*), namely:—

"Provided that such subversive acts endanger communal harmony."

I also move that in clause 30(*2*), line 2, for the word "forthwith" the words "within twelve hours" be substituted.

I move that in clause 30(*3*), line 2, for the words "Provincial Government" the words "the Minister-in-charge of Home Department" be substituted.

Mr. Deputy Speaker, Sir, the Hon'ble Ministers want such powers as to arrest without warrant. I say, Sir, if it is a case of preserving communal harmony and so on, well, there would be some ground for giving them this power. But of course Dr. Ghosh has all along been saying and very clearly now—he was not so very clear in the beginning but as days are passing by, he is becoming clearer about the purpose of this Bill—that he wants some special powers for other purposes as well. He tells me that I am seeing ghost all around That is where our quarrel lies with him. Because as the facts stand at present today in Bengal, we do not see what is the particular circumstance, what is the particular situation in Bengal that demands special powers for the Government. We have been told that three or four armed dacoities have taken place. We have been told that one stolen microphone or a transmitter or some such thing has been discovered somewhere, but these things by themselves do not justify saying that an emergency has arisen in Bengal whereby the Government must be given special powers. These things, do not according to me justify the Government saying that armed insurrection by some parties is on the agenda. These things do not justify Government really seeing enemies all around the State, inside the Indian Union and in West Bengal specially. If I may remind the Hon'ble Minister once again reliance on the people and a rousing call to them if really West Bengal is in danger, can never be replaced

by sinister decrees like the present one, or lawless law like the present one. A Government of the people seeks help of the people. They tell the people the truth. They name the enemies before the people so that the people's powerful arms may be raised in the defence of the State. A Government purges the state machinery of old corrupt officials trained in the old bureaucratic British methods. It does not invest the same persons with more powers. For instance, this particular clause which relates to arrest without warrant, we have seen how it was used during the *tebhaga* movement during Mr. Suhrawardy's regime. During those days we found that if in a particular place there was *tebhaga* movement, then the police were given special orders and special powers whereby they could go to the village and try to terrorise the whole population of the village. They would first arrest indiscriminately the *kisan sabha* workers and then ascertain their names. The police did not possess the names of the mischief-mongers but they would just go to the village and arrest at random. That was their usual method. Then they would send them to imprisonment. They would thereafter release some after about a month. So, I think in this clause similarly Bengal Government now is going to use more powers in the same way specially in the far off villages. If something happens in Calcutta, I know that we have members here who would go to the Hon'ble Minister and plead with them so that things are set right. But unfortunately in the far off villages there will be nobody to inform the Hon'ble Ministers here. If this power was sought for communal disturbances, I would have no objection but since the purpose of the whole Bill is vicious, we have to bring such amendments to every clause. I have provided that for the word "forthwith" the words "within twelve hours" be substituted. If somebody is unfortunately arrested in pursuance of this order without warrant, I would suggest that within twelve hours he should make a proper report, so that the person in charge may go into the case.

Mr. DEPUTY SPEAKER: Mr. Basu, be brief.

Sri JYOTI BASU: Thirdly, I have suggested that for the words "Provincial Government" the words "the Minister-in-charge of Home Department" be substituted. I know that practically it would be impossible for Dr. Ghosh to do it. But he says that he would give orders himself, will look into the papers himself, etc. But according to me it is fantastic to suggest that the Prime Minister of a Province would look into all the papers personally and then give orders and so on. If he does that then he would have to act as a Sub-Inspector in so many villages of Bengal and then he would have to relinquish his post of Prime Minister and do something else, which is not possible, which cannot just be done. I have put in this amendment because I want to get an answer. Provincial Government does not mean anything and that is our objection. Anybody will be authorised by the Provincial Government to sign the papers which would in fact not do justice, because the whole bureaucratic machinery has not yet been purged. Ministers are acting contrary to the interests of the people and even if they are good they cannot act because they have inherited a machinery, which is rotten to the core and hence my amendment that the Hon'ble Minister in charge of the Home Department should sign the papers.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Deputy Speaker, Sir, I oppose all the amendments put by Mr. Jyoti Basu, namely, amendments Nos. 79, 80 and 81. He knows very well the object of the Bill which has been given in the preamble, namely, the prevention of illegal acquisition, possession or use of arms, for the suppression of subversive movements endangering communal harmony or the safety or stability of the Province and so on. I do not want to go into the general charges on every amendment of his. He has spoken of general charges against all the Ministers and Government on every amendment. I shall not answer them every time. I shall confine my remarks only to the amendments now moved.

Now, about amendment No. 79 about the communal harmony, I have lready said that they are covered by the provisions of the Bill. Therefore oppose the amendment.

About the next amendment No. 80, for the word "forthwith" the words 'within twelve hours", I may say that Government will take up the matter is early as possible and I think this should satisfy everybody. If we accept this amendment then somebody else will come and suggest that it should be for 13 hours, another will suggest 14 hours and so on.

With regard to Mr. Basu's amendment No. 81, he has suggested instead of the words "Provincial Government" the words "the Minister in charge of the Home Department". Here I cannot find any reason why he wants to do so. It seems to me that wherever it suits him, he puts in "Home Minister" at one place and "Government" at another. I do not know what is in his mind and therefore I cannot help him. I think it is not a genuine and *bona fide* amendment, and therefore I ask the whole House through you, Sir, to reject the amendment.

The motion of Sri Jyoti Basu that the following proviso be added to clause 30(*1*)(*b*), namely:—

"Provided that such subversive acts endanger communal harmony,"

was then put and lost.

The motion of Sri Jyoti Basu that in clause 30(2), line 2, for the word "forthwith" the words "within twelve hours" be substituted, was then put and lost.

The motion of Sri Jyoti Basu that in clause 30(5), line 2, for the words "Provincial Government" the words "the Minister-in-charge of Home Department" be substituted, was then put and lost.

The question that clause 30 do form part of the Bill was then put and a division called

(When the division was taking place, Mr. A. F. M. Abdur Rahman rose to a point of information.)

Mr. A. F. M. ABDUR RAHMAN: When are you going to adjourn the House, Sir?

Mr. DEPUTY SPEAKER: At the usual time—6-45 p.m.

AYES—39.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Mukherji, Mr. Dhirendra Narayan.
Murarka, Mr. Basantlal.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Roy, Dr. Bidhan Chandra.
Sinha, Mr. Bimal Chandra.

NOES—2.

Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.

The Ayes being 39 and the Noes 2, the motion was carried.

Clause 31.

The question that clause 31 do form part of the Bill was then put and agreed to.

Clause 32.

The question that clause 32 do form part of the Bill was then put and agreed to.

Clause 33.

Sri JYOTI BASU: Sir, I beg to move that clause 33(*1*) be omitted.

Sir, I have repeatedly emphasised that no self-respecting citizen can forego his right to defend himself in a court of law if accused by the Government or by its officers. We shall not, as I have said, mortgage our such rights either to a Sub-Inspector of Police or even to the Prime Minister of Bengal. For 200 years we have heard enough of law and order. Under this veneer all progress had been stopped under the British Government. Now, of course, we have a different Government, we are told. But unfortunately, for the way the Government is behaving we shall have occasions to oppose the actions of this Government at every step because this Government is surrendering to big business in every sphere of life, as far as we can make out, but at the same time, it wants special powers from us to deprive us of our right to defend ourselves in a court of law.

Now, the question of trust may be raised, but I do not see why we should have to trust and respect a Government which is selling itself out, as I find, to the British and also to the new masters, the Americans. We have heard with dismay the reasons why we must sacrifice our civil liberty when the State is in danger. But we find that our State secrets are not secrets as far as the British are concerned because one of the C. I. D. bosses of Bengal, Mr. H. N. Sircar, was sent to the Scotland Yard for his education because probably our Government thinks now that there is no danger from the British Imperialists and British Imperialism has been liquidated from the face of the earth This gentleman comes back after his efficient training in the method of Scotland Yard and issues a secret circular—it is called secret but I have got hold of it—it is not quite a circular but it is a sort of a form which was issued to the officers so that they can fill it up with the particular information that is wanted. It is written that if the revolutionary people and people belonging to the Communist Party are in correspondence with revolutionaries and Communists abroad—if there is any such information—then their names should be supplied. Further it says that all their correspondence must be intercepted That is, I belonging to the Communist Party of India cannot correspond with my friends abroad We have friends abroad in England but we cannot correspond with them because the Bengal Government must tap my letters.

Sri NIHARENDU DUTT-MAZUMDAR: Does your party aim at overthrowing the Indian State?

Sri JYOTI BASU: There is no question of overthrowing in this document. I wish there was. I tell him when you become a Minister or a Parliamentary Secretary, you can—you should—insert these things. Mr. H. N. Sircar probably has not been properly taught by the Scotland Yard—they are inefficient.

Then it says, if there are any articles which are intercepted in the post, then they should be delivered to this gentleman and the information kept in the office. God alone knows why. I thought I belonged to a legal party. This is a Government which is asking us to trust it. Dr. Ghosh says—I am seeing ghosts all along. This is not a ghost—it is a paper. I can give it to the Chief Minister to see that it is not faked. I would ask the Government what business it has of spying on our letters and articles, if we have any, which we send abroad. Not only that—I have just received

another very curious news from abroad and that is that one Dilip Roy Chowdhury is in England now and he wanted to go to America for his studies. But the American Government, it seems, asked the Bengal C. I. D.—the Bengal Government—as to what kind of person this Dilip Roy Chowdhury was and the Bengal Government C. I. D. who are only too willing now to serve their foreign masters sent them the information that he was a Communist and he had some connection with the Communist Party of India, and hence, after that his entrance into America has been refused by the American Government. This is the sort of thing that is happening in Bengal and, I suppose, all over India in the Indian Dominion these days and yet the Government will not allow us to defend ourselves in a court of law. If anybody can beat this cheek, I cannot. I am sure Dr. Ghosh has also an answer for this. He may also turn round and tell me that I am seeing ghosts, but this paper is not a ghost—I am not day-dreaming—this paper is with me, these documents are clear. As I have told Dr. Ghosh hundreds of times, when I speak I give him facts but when he speaks, he has nothing to say Like a gramophone record, his speech day after day has been that there is danger, but what is the danger, I now ask him. We know that in Ballygunge one Imperial Bank was robbed and one man was shot. We know that in every State such dacoities—hundreds and thousands of such dacoities—take place, but for that to say that an emergent situation has arisen and therefore they want special powers whereby they can deprive the citizens of their liberty to defend themselves in court is something which I cannot accept I for myself shall not degrade myself to such an extent that, whether Dr Ghosh tells me or Pandit Jawaharlal Nehru tells me, I shall fawn before them. As long as I have breath left in me, my voice shall be raised and I know that it shall be supported by the common humanity of Bengal.

Sri NIHARENDU DUTT-MAZUMDAR: Mr. Deputy Speaker, Sir, we have received very interesting information in connection with the consideration of this clause which provides for the safeguard that the validity of orders may be questioned under section 491 of the Code of Criminal Procedure corresponding to the prerogative of the writ of habeas corpus. Sir, we have already seen that this Bill in all its clauses prescribes crimes and any infringement of those provisions would bring the criminal under the jurisdiction of a court before which he would be punished and there is nothing where any penalty follows without the trial of a court of law The single exception is in the case of such Government orders where a person may have to be restricted or detained and on that clause this Bill has made provision for reference of every case of detention to a Judge of the High Court and detention of any person cannot take place beyond a period of three months except under orders of a Judge of the High Court to whom the case will be referred

Sir, I think that the utmost provision has been made even in cases where the liberty of a person of doubtful allegiance to the State may be at stake. My honourable friend is deliberately seeking to confuse the House and the public by talking as if Government is aiming at catching hold of any and every citizen and depriving him of his liberty, as if Government is out to destroy the liberty of every citizen who is in this province. Sir, that is entirely a sort of wilful, deliberate attempt at misleading and confusing the issue which, I am glad to say, will not mislead any but those who have made up their mind not to see things as they have been provided for in this Bill. Now, although this has been provided for, all that this section prescribes is that even in making such order, if Government does not take all the necessary precaution whereby a valid order may be passed, whereby everything may be done as prescribed under all the safeguards which have been provided for defending the liberty of the citizen, then in the case of a valid order the matter cannot be taken to a court of law where things in the nature of State secrets may have to be divulged. That is all. A man may commit an act of sabotage or attempt to commit an act of

sabotage. A clause has been provided prescribing that as an offence; infringement of that provision will bring him within the clutches of the law and he will be tried in the court of law and only after that penalty follows and we have seen that in the case of penalty the solicitude of my honourable friend has always been to reduce the penalty from the number of years to the number of months or weeks. I say that if a criminal has committed sabotage in order to endanger the safety of the State, and a sentence of three years has been prescribed, my honourable friend would like that the criminal should get away with three weeks' imprisonment. It is a wonderful advocacy and solicitude for the criminal against the State, and what is the main purpose and intention of that sort of argument or solicitude it is for the honourable members of this House and the public of Bengal to judge.

In this connection with all these wilful and deliberate attempts at misleading, my friend has offered and volunteered some very interesting information. My friend has told us that some C. I. D. officer or some officer in charge was sent for education to Scotland Yard. What a calamity? I have known that during his student days my honourable friend had taken his education in communism in the same damned country, England. If it was not Scotland Yard, it was a collateral organisation of the same British intellect and education. There was not much harm, and although we have seen that British communists supported their State and their Government during the last war and nonetheless were patriots, but those who masqueraded as communists and were nothing but a band of criminals were stabbing their country in the back; and it does require a C. I. D. trained in the Scotland Yard to catch criminals of that variety. If he dislikes the British method I would ask him to take a leaf out of the Soviet method from Moscow—what they did to catch their criminals who conspired with elements outside the country and what is the form of the Soviet method prescribed in order to catch hold of such subversive correspondents? And I would urge upon the Bengal Government to adopt the Soviet form in preference to the British form if my honourable friend will supply the Soviet form. I am sure that will be more effective and there will not be the slightest objection, but I will beg of the Hon'ble the Prime Minister and his Government——

Mr. MUDASSIR HOSSAIN: On a point of order, Sir. Whenever he refers to anything he must place it before the Speaker.

Sri NIHARENDU DUTT-MAZUMDAR: Have you any correspondence with outside countries?

Mr. MUDASSIR HOSSAIN: No.

Sri NIHARENDU DUTT-MAZUMDAR: Sir, I am sure students and officers will be sent for training from time to time to different countries. If my friend objects to the form prescribed by the Scotland Yard it may be substituted by the form of Ogpu in Kremlin, or any other form of any other country may be made use of for the purpose of gathering experience. After all, a new State must gather both inspiration and experience from all different countries which have overthrown autocrats, which have overthrown States like the Tsardom and then built up a State of the people of their own. The whole thing is directed against those who are conspiring for the purpose of overthrowing the State. I put this question to my friend: is it your intention to overthrow the State? If there is no such intention then you need not worry. The Bill is directed against overthrowing of the State for which Congressmen and people have courted years and years of imprisonment and sentence. We have known of Bengalis in this land who out of a total life of 40 or 50 years have passed about 25 years in prison. That example is not very rare. We have scores and scores of men like that who were rotting in jail when my friend and his party were joining hands with the police in Bengal or joining hands with the Scotland Yard and the

British Empire in order to track down the patriots who were dubbed by their party as goondas who were also put in prison by the British Government. I think the gentleman very conveniently becomes a protagonist of liberty today and forgets what he advocated in the past. If his objection is about the form I am sure the Government will give him a chance—I would urge upon the Government to give my honourable friend a chance—to speak about the form in which the information about criminals should be gathered.

Mr. DEPUTY SPEAKER: I think you have finished.

Sri NIHARENDU DUTT-MAZUMDAR: Thank you, Sir, and I hope, in conclusion, that my friend will at least communicate the circular about the form, and we shall give him every support.

(Both Sri Bimal Chandra Sinha and Mr. Abdur Rahman Siddiqi got up to speak.)

Mr. ABDUR RAHMAN SIDDIQI: Whom do you command to speak, Sir?

Mr. DEPUTY SPEAKER: Mr Siddiqi

Mr. ABDUR RAHMAN SIDDIQI: I had no intention, Mr. Deputy Speaker, to speak to any of the amendments brought before the House by honourable members. But after listening to the last speech I felt that being senior in age and having dabbled in politics longer than my friend has done,—I could come to the conclusion that he had performed a somersault of a most disagreeable, if not a disreputable, type

Mr Deputy Speaker, Sir, to deny to the citizen the right of revolution and to talk in language as no Englishman in India ever talked in any Legislative House, in a province or at the Centre, coming from the mouth of one who talked more vigorously and vociferously than the honourable the communist member has done today, was rather surprising. The language he was accustomed to use in the past was somewhat like the language he used today where, Mr. Deputy Speaker, you even allowed unparliamentary words to form part of his utterance It is rather funny that a gentleman belonging to the Inns of Court, in London, should try to bring them down to the level of Scotland Yard It is all very well to talk —I was going to say, humbug—but I shall correct myself, and say, to talk irrelevantly, and then go about in a way gallivantingly and suggest as if he held the monopoly Sir, you were looking at the clock and I was a little upset in patriotism and thus, trying to hide his past before the House today, was not playing the game.

My sympathy and even my heart go out to the honourable the communist member who is at least true to what he believes in, but to hold one opinion today and then to give it up tomorrow for reasons best known to the honourable member, would appear to be his special privilege He has a sore throat Shouting so much must have caused him inconvenience and it did not create a dignified atmosphere in this House. I have never been a communist I do not believe in its ideology. I hope I shall never be one. To build on war time conditions and then to talk as the honourable member did is not clean politics and is certainly not playing the game by the members of this House. He can if he so desires come out and say, he is not a communist now. He is perhaps a socialist. He may develop into a Congressman tomorrow and, who knows, the present atmosphere of the country might throw him into the lap of the Mahasabha. But let him at least come forward in a manlier way and tell us how and in what manner the communist of yesterday is trying to call the communist of today a traitor. Sir, I am a Muslim and I hope I shall die a Muslim. I should, however, like to see any Government in this country taking away from me the right to revolution. It is a great right. The revolutionary of today, if he succeeds, becomes the hero of tomorrow. Many of our

Ministers have been in jail. He says some of them, now in their forties, *have spent as many as twenty five years* in prison. Today they are the *leaders of the nation. They occupy the positions of the great. It is a bit surprising for people* who have fought for civil liberties who still call England a damned country and think they are making a good argument... (Sri NIHARENDU DUTT-MAZUMDAR: That was a reference to your friend's attitude.) Sir, all are my friends, and I hope I shall retain that kindly sentiment. But I certainly have no respect for turncoats who shout today and shout tomorrow and shout the day after to suit their immediate purposes without paying the slightest attention to political principles or the ideals of political freedom. Sir, if I feel that I should become a revolutionary, I would be facing all the risks.........(Sri NIHARENDU DUTT-MAZUMDAR: You might not have if the British were here!) Sir, I did not interfere while he was shouting, and I would appeal to you not to let him interfere with——

Mr. DEPUTY SPEAKER: How long will you take, Mr. Siddiqi?

Mr. ABDUR RAHMAN SIDDIQI: As long as you permit, Sir. Sometimes the blue light comes after two minutes and sometimes after ten minutes, I do not know why.

Mr. DEPUTY SPEAKER: The House is going to be adjourned at 6-45 p.m.

Mr. ABDUR RAHMAN SIDDIQI: Then I shall follow your instructions completely. I feel that the Government will kindly see to it that the man punished has at least the right to take all his sufferings to a higher tribunal, and, if possible, to try and find a remedy to save himself.

Adjournment.

The House was then adjourned at 6-45 p.m. till 3-45 p.m. on Wednesday, the 14th January, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 14th January, 1948, at 3-45 p.m.

Present:

Mr. Deputy Speaker (Sri ASHUTOSH MALLICK) in the Chair, 8 Hon'ble Ministers and 54 members.

Rumour regarding resignation of the Premier.

Sri JYOTI BASU: Mr. Deputy Speaker, before we take up the business of the House to-day, I would like to get an information from you because there is a strong rumour throughout Calcutta that the Chief Minister has resigned and a new Ministry is going to be formed. If that is true, then I would suggest that this Bill should not be taken up to-day at all—the Secruity Bill—because the new Ministers who come in—if they do come in at all—should be given a chance to express an opinion with regard to this particular Bill.

Mr. DEPUTY SPEAKER: It is a rumour—we have no information.

Non-availability of proceedings by members.

Sri BIMAL CHANDRA SINHA: Mr. Deputy Speaker, may I rise also on a point of privilege. We have been mentioning in this House for some time that the proceedings of the last year or of this year are not being made available to the members. Will you kindly see to it that the proceedings are made available to the members soon—at least before the next budget session is held.

Mr. DEPUTY SPEAKER: It is with the Government Press.

Representation on the Textile Control Board.

Mr. DEPUTY SPEAKER: The honourable members are aware that one member is to be elected to represent consumers on the Textile Control Board and for that purpose only the nomination of Sri Sukumar Dutt has been held valid after scrutiny. I declare that Sri Sukumar Dutt is duly elected.

GOVERNMENT BILL.

The West Bengal Special Powers Bill, 1947.

Clause 33.

Mr. DEPUTY SPEAKER: Mr. Sinha, you wanted to speak yesterday.

Sri BIMAL CHANDRA SINHA: Sir, I would like to speak not on this particular clause. Moreover, Mr. Siddiqi is not here. He made some observations on this clause. I would like to speak on the third reading of the Bill.

Mr. MD. KHUDA BUKHSH: Mr. Deputy Speaker, I beg to move that in clause 33(*1*), line 2, after the words and figures "Code of Criminal Procedure, 1898", the words "and other prerogative writs of High Court" be inserted.

Sir, in clause 33 the Bill provides for section 491 of the Code of Criminal Procedure, 1898, which gives the prerogative to the High Court to issue the writ of *habeas corpus*. Sir, there are other prerogative writs of the High Court such as the writ of *mandamus*, the writ of *co-warranti* which are as much prerogatives of the High Court as the writ of *habeas corpus*. Sir, here when the Bill lays down the provision that anything done in exercise of any power conferred by or under this Act shall not be questioned in any court save the prerogative of the High Court to issue the writ of *habeas corpus*, I suggest, Sir, that the other prerogative writs of the High Court should also be included because they are prerogatives of the High Court and if this Legislature wishes to interfere with the prerogatives of the High Court it shall be setting up a very dangerous precedent and example.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I oppose both the amendments—one of Mr. Jyoti Basu and the other of Mr. Khuda Bukhsh. Both the amendments want to make the Bill, in effect, ineffective. Therefore, I oppose them and I need not dilate on the points.

The motion of Sri Jyoti Basu that clause 33(*1*) be omitted was then put and a Division taken with the following result:

AYES—11.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Rafique, Mr. J. P.
Serajuddin Ahammad, Mr.

NOES—38.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Choudhury, The Hon'ble Shri Annada Prosad.
Clarke, Mr. C. E.
Das, Miss Bina.
Das Gupta, Mr. Khagendra Nath.
De, Shri Kanai Lal.
Delui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 11 and the Noes 38, the motion was lost.

The motion of Mr. Md. Khuda Bukhsh that in clause 33(*1*), line 2, after the words and figures "Code of Criminal Procedure, 1898", the words "and other prerogative writs of High Court" be inserted was then put and a Division taken with the following result:

AYES—13.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abdur Rahman Siddiqi, Mr.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Rafique, Mr. J. P.
Muhammad Siddique, Dr. Syed.
Serajuddin Ahammad, Mr.

NOES—36.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Kohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Chakravarty, Mr. Satish Chandra.
Das, Miss Bina.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 13 and the Noes 36, the motion was lost.

The question that clause 33 do form part of the Bill was then put and a Division taken, with the following result:—

AYES—36.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Chakravarty, Mr. Satish Chandra.
Clarke, Mr. C. E.
Das, Miss Bina.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.

NOES—11.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abdur Rahman Siddiqi, Mr.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mudassir Hossain, Mr.
Muhammad Rafique, Mr., J. P.
Muhammad Siddique, Dr. Syed.
Serajuddin Ahammad, Mr.

The Ayes being 36 and Noes 11, the motion was carried.

Clause 34

Mr. DEPUTY SPEAKER: Amendment Nos. 85-86 is out of order.

Sri JYOTI BASU: Sir, may I speak a few words on this?

Mr. DEPUTY SPEAKER: Yes, you can.

Sri JYOTI BASU: Sir, due to technical reasons this amendment has been declared to be out of order, but it is an important amendment because I feel here in this particular clause protection is given to certain persons who do anything under this Act which is done in good faith. Now I feel for myself that such protection should not be specifically given, because we know that if a policeman acts in an adverse manner against the interest

of the people and contrary to the powers which the law gives him, then it must be the right of the citizen who is thereby affected to bring proceedings against that particular policeman; otherwise if that protection is not there, for the individual citizens, the policeman will act according to his own fancy and we know what his fancy usually is going to be; and that is why I have suggested my amendment. In any case I do not see why the Government is particularly keen to provide this clause 34 and I would even at this stage remind the Prime Minister that if he drops this clause it will not thereby make the *bona fide* action of any policeman liable at any time because even under the ordinary law the policeman is protected if he does anything in good faith. That is why I would like to draw the attention of the Prime Minister to this particular point.

The question that clause 34 do form part of the Bill was then put and agreed to.

Clause 35.

Sri BIMAL COMAR GHOSE: Sir, may I with your permission move the short-notice amendment standing in the name of Sri Amar Krishna Ghosh?

Mr. DEPUTY SPEAKER: Yes.

Sri BIMAL COMAR GHOSE: Sir, I beg to move that in clause 35, lines 3 and 4, the words and figures "except under sections 16 and 17" be omitted.

Sri JYOTI BASU: Sir, I beg to move that the following proviso be added to clause 35, namely:—

> "Provided that such officer or authority shall not be below the rank of Superintendent of Police or Magistrate with first class powers."

Sir, I have no speech to make. It is obvious.

The short-notice amendment of Sri Bimal Comar Ghose that in clause 35, lines 3 and 4, the words and figures "except under sections 16 and 17" be omitted, was then put and agreed to.

The motion of Sri Jyoti Basu that the following proviso be added to clause 35, namely:—

> "Provided that such officer or authority shall not be below the rank of Superintendent of Police or Magistrate with first class powers",

was then put and lost.

The question that clause 35, as amended, do form part of the Bill was then put and agreed to.

Clause 35A.

Sri A. K. GHOSE: Sir, with your permission I beg to move—

Sri JYOTI BASU: On a point of order, Sir. Why are always short-notice amendments being moved before the original amendments which are there?

Mr. DEPUTY SPEAKER: It is named short-notice amendment. It is not practically so.

Sri JYOTI BASU: But the point is you have already admitted amendments which are here; those were admitted later. So these should come first and not the other short-notice amendments. The point is not that they are short-notice or long-notice amendments. The point is those came later, these came previously. Hence these should be moved first and the other ones should be moved later.

Mr. DEPUTY SPEAKER: It does not matter.

Mr. MD. KHUDA BUKHSH: May I submit that it does matter because in this particular case the short-notice or the long-notice amendment that the Government is seeking to move relates to a clause that has been introduced by the Select Committee, and this side of the House and other members, if the amendment is moved, would have an opportunity of speaking about the misgivings that the public may or may not feel on this account. If you permit that the Government should circumvent this by moving an amendment which is in effect acceptance of the amendments moved by this side of the House, possibly members may not have the opportunity to speak if they so desire.

Mr. DEPUTY SPEAKER: But now it is a different thing. Amendment No. 88 is out of order. Therefore, that question does not arise.

Mr. MD. KHUDA BUKHSH: Then, Sir, will you permit me to move my amendment? It relates to the same clause.

Sri BIMAL COMAR GHOSE: Mr. Deputy Speaker, is it a decision on the point of order? Because so far as the point of order is concerned there is nothing in the rules which says that any particular amendment must be taken up first or that an amendment of which notice was given earlier must necessarily be taken up first. That is a matter entirely within your discretion. I am not objecting to your allowing Mr. Khuda Bukhsh to move his amendment earlier. That is not my point. What I would point out is that this should not be established as a practice, that an amendment of which notice was given first, that particular amendment must be moved first.

Mr. DEPUTY SPEAKER: I do not like to give my decision on this point. Mr. Khuda Bukhsh, you move your amendment.

Mr. MD. KHUDA BUKHSH: Sir, I beg to move that after clause 35A(2)(*b*) the following item be inserted, namely:—

> "(*c*) the manner and amount of determining compensation to persons detained under the provisions of section 16."

I beg further to move that the following proviso be added to clause 35A, namely:—

> "Provided that all such rules should receive the approval of the Provincial Legislature."

Sir, this clause was introduced by the Select Committee and this has come in for much adverse criticism inside as well as outside the House. Sir, this rule making power was given to the Government amongst others primarily for determining compensation that may have to be be paid to detainees under sections 16 and 17 of this Bill, but this important item was, through an oversight perhaps, omitted in the Bill and my amendment sought to make good that omission. I now find, Sir, that the Government have accepted in fact my amendment in a very much better worded amendment, and therefore I beg your permission to withdraw this amendment. But with regard to my second amendment, *i.e.*, 90, I shall insist that the Government shall lay all the rules that they may have to frame or to make for the carrying out of the provisions of this Bill before this legislature. I want to ensure that the Government do not give free rein to their officials in the framing of such rules. I want to keep this deterrent in the body of this Bill that the rules, whatever they are, whenever they are made, whether the House is in session or whether it is not in session, will have to be submitted to the House for its approval. I believe that should serve as a deterrent to the officials and they will not make rules that are contrary to the wishes or desire of the Select Committee.

With these words I commend my amendment No. 90 to the acceptance of the House.

Shi A. K. GHOSE: I beg to move as a short-notice amendment that in sub-clause (2) of clause 35A, before paragraph (a), the following paragraph be inserted, namely:--

"(a1) the principles and the procedure to be followed in assessing, and in making the payment of, allowances and expenses referred to in sub-section (1a) of section 16."

Sri JYOTI BASU: Mr. Deputy Speaker, I wanted the deletion of this particular clause—but again due to technical reasons I could not move it—because I felt that such a clause should never remain in the Act. We know that the British Government when it framed its Defence of India Act, it was a very small thing, and then the rules which were framed constituted, I think, more than four times as the Act itself, and through those rules a new kind of despotism was added to the particular Act which was passed. Therefore, Lord Hewert, the Lord Chief Justice of England, called this New Despotism that has arisen, because you do not have to come before a Parliament or a Legislature in order to get the sanction of the legislature for whatever rules you frame as Mr. Khuda Bukhsh has just now pointed out. Therefore, I feel with him that in any case this clause should not have been there. If it is there, then at least it should be so framed that these rules when they are framed may come before the Legislative Assembly for its approval I know that will not have much of an effect because the way in which the Congress Government is behaving by trying to pass through a despotic Act it can frame despotic rules and get them passed in this Assembly by sheer majority of votes, but even then the public would know through discussions in this Assembly as to what the Government is doing contrary to the interests of the people, and that is why I suggest that the Government even now should accept at least the amendment given notice of by Mr Khuda Bukhsh.

Mr. ABUL HASHEM: Mr Deputy Speaker, Sir, personally I think that the insertion of this clause into this Bill is a clear betrayal of the rights and privileges of this Assembly which is supposed to represent the people of West Bengal. Ordinarily, rules, if not actually approved by the legislature, are placed on the table for the information of the members, but here that provision also is absent So, I think that if the present Government insist upon carrying this particular sub-clause by sheer majority of votes, in that case they shall be doing the greatest injustice to the people of Bengal whom this Assembly represents As my friend Mr. Jyoti Basu has already remarked, so far as the Government and their policy are concerned it makes no difference whatsoever whether these rules are laid on the table or they come to the House for its approval, because they have votes and since in these days things go by counting of heads and not on merits, I do not see why Government should fight shy about making a provision of some sort of a check over the despotic method that the Government officials may follow. Dr. Ghosh representing the Congress Party in Bengal, I have no doubt, will at once rise up and tell us and address us like so many children of a political school that the police has changed overnight after the 15th of August since the Government has come into the hands of the people.

Sir, I am not inclined to believe this. I entirely agree with my honourable friend Mr. Jyoti Basu as he has very repeatedly pointed out this particular aspect of things to the Ministry that the police and their methods, their mentality, their attitude are still the same and the bureaucratic machinery of Government which is responsible for framing the rules is exactly the same as it was before. I find extreme difficulty in swallowing this that the police and the bureaucratic machinery of Government

have changed. Only the other day if I am permitted to refer to Sardar Patel, the Deputy Premier of the Indian Dominion Government, declared before lakhs and lakhs of people, referring to Muslims, "These Muslims only the other day shouted for Pakistan and they cannot be expected to change overnight after the 15th of August." I find the same tongue says with impunity with regard to the bureaucratic machinery and the I.C.S. machinery that the police who committed inhuman oppression, to satisfy their masters, on the best patriots of our country, have changed overnight after the 15th of August, just because as Sarder Patel said in a Delhi meeting broadcast here through the radio that since Mrs. Sarojini Devi is the Governor of the United Provinces and Shri Govind Ballabh Pant, the Premier of the United Provinces, therefore everything will be all right, as if by the touch of a magic wand it becomes good Sir, this sort of thing one can hardly swallow without protest Therefore I think the Ministry will very seriously consider that this is not merely the question of introducing a reactionary measure, but in fact, as I have already placed before you, inclusion of this particular clause giving the absolute right to frame the rules would be giving the legislative powers to the bureaucratic machinery of Government over which the present Ministry presides no doubt, but acceptance or passing of this clause by sheer brute majority of votes will be a clear betrayal, as I said in the very beginning, of the rights and privileges and the powers of this Assembly and therefore I take serious exception to this clause. I hope the Ministerialist party will at least be sensible and reasonable and reconsider their stand so far as this clause is concerned. With these words, Sir, I associate myself with what Mr. Khuda Bukhsh and Mr. Jyoti Basu have said

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Deputy Speaker, Sir, I am glad that Mr. Khuda Bukhsh has withdrawan his amendment No. 89 in preference to the Government amendment. At least he has realised the merit of the Government amendment (Mr. Md. Khuda Bukhsh: Where there is merit he always does it)

Now, Sir, Mr. Hashem considers that Government is trying to do everything by brute majority and then he wants to say that the Bill should come before the Provincial Legislature He wants to eat the cake and have it too He says that the Bill is going to be passed by brute majority of votes and according to him it is a betrayal of the whole of West Bengal. Does he want the tyranny of the minority to rule over this country? In a democratic Government, you must submit to the rule of the majority and what the democratic Government does you cannot say that it was being done by the brute majority or that it was the grossest betrayal of Bengal. But which Bengal, Bengal of minority or majority Bengal? The majority represents democracy and not minority The majority of one is a minority elsewhere. You cannot have it both ways like this. Mere adjectives and invectives will not help my dear friend, I can say this (Mr ABUL HASHEM: Only votes can help you.)

I appeal to the minority and to Mr. Hashem to lay his hand of fellowship and convince us by agreeing to the passing of this Bill and not simply using adjectives against us. Adjectives will not help us either here or there. He was saying that the police were helping their masters and have not changed, but who were their masters? Was not Mr. Hashem a master one year ago? So, Sir, I do not understand his logic. I do say that there is no point in this.

As for bringing the Bill to the Provincial Legislature for prior approval, it is a very cumbrous procedure.

Mr. MD. KHUDA BUKHSH: I did not say "prior approval." I said it should receive the approval of the Legislature. If I wanted that the Bill should receive prior approval, I would have said so.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Rules cannot be made like that. But members can certainly get information about the rules Government would make. The information may be made available to the members.

With these words, Sir, I oppose the amendment No. 90 of Mr. Khuda Bukhsh.

The motion of Mr. Md. Khuda Bukhsh that after clause 35A(*2*)(*b*) the following item be inserted, namely:—

"(*c*) the manner and amount of determining compensation to persons detained under the provisions of section 16,"

was then by leave of the House withdrawn.

The motion of Mr. Md. Khuda Bukhsh that the following proviso be added to clause 35A, namely:—

"Provided that all such rules should receive the approval of the Provincial Legislature,"

was then put and a division taken with the following result:—

AYES—13.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abdur Rahman Siddiqi, Mr.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Rafique, Mr., J. P.
Muhammad Siddique, Dr. Syed.
Serajuddin Ahammad, Mr.

NOES—40.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, Shri Ardhendu Sekhar.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 13 and the Noes 40, the motion was lost.

The short-notice amendment of Sri Amar Krishna Ghose that in sub-clause (*2*) of clause 35A, before paragraph (*a*), the following paragraph be inserted, namely:—

"(*a*)(*1*) the principles and the procedure to be followed in assessing and in making the payment of allowances and expenses referred to in sub-section (*1a*) of section 16".

was then put and agreed to.

The question that clause 35A as amended, do form part of the Bill was then put and a division taken with the following result:—

AYES—37.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Barman, The Hon'ble Shri Mohini Mohan.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.

Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Doluí, Mr. Harendra Nath.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Sankubehari.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, The Hon'ble Shri Hem Chandra
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sinha, Mr. Bimal Chandra.

NOES—12.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abdur Rahman Siddiqi, Mr.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khudha Bukhsh, Mr. Md.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Rafique, Mr., J. P.
Muhammad Siddique, Dr. Syed.
Serajuddin Ahammad, Mr.

The Ayes being 37 and the Noes 12, the motion was carried.

Clause 36.

The question that clause 36 do stand part of the Bill was then put and agreed to.

New clause 36A.

Sri JYOTI BASU: Sir, I beg to move that after clause 36, the following new clause be added, namely:—

"36A. Any order made under this Act shall be placed before the Minister-in-charge of the Home Department within seven days of the making thereof for his approval.

Mr. Deputy Speaker, as far as the clauses of this particular Bill are concerned, we have come to an end, but now I am making some last feeble attempts to so frame some amendments whereby the acts done by officers of the Government may be checked. That is the purpose of my amendment No. 91. We have seen within the body of this Bill that various orders can be passed by Government officers with regard to detention, with regard to turning out people from their places of residence and so on. Now, I feel that all these orders should with the proper papers be placed before the Minister-in-charge of the Home Department who assured us—of course, it was a personal assurance given by Dr. Ghosh that he would personally peruse cases. I do not know whether it was an assurance by the Chief Minister as such and hence the next Chief Minister may not stick to that assurance. But anyhow I have given this amendment so that papers may be placed before the Home Minister and he may go into the papers and see whether the orders have been rightly served, otherwise the officers would realise that the papers would not go up to the people's representative who is in charge of the Home Department but will merely lie with some District Officer or, even if it goes up to the Writers' Buildings, with the I.C.S. who is in charge of this particular department. Naturally the person who has been aggrieved would feel that his case would not be looked into properly because that permanent official has no stake, that permanent official cannot be removed by votes. That is why I have suggested this. At

the same time, I know that it would be an extremely difficult job for the Home Minister to perform this duty, but Dr. Ghosh knows best why he gave us that assurance—I do not. If I were in his position, I would certainly not give any such assurance because I know that that assurance cannot be kept. However, Dr. Ghosh would kindly let me know, as far as my amendment is concerned, whether he is willing to accept it or not.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Deputy Speaker, Sir, I oppose amendment No. 91 of Mr. Jyoti Basu, but I can assure him that whatever assurance was given by me was not given by me in my personal capacity—it was given as the Premier of West Bengal and unless any Government in future changes that, that remains the Government policy. I have no status here as P. C. Ghosh personally— the only status I have is as the Premier and I have no other.

As regards his amendment "within seven days", I can tell him—I have always told him—that sometimes it is very difficult to do anything within seven days. Therefore, this cannot simply be done. It is administratively impossible. What is impossible he wants me to do and then if I do not do that, I am called a bad man. Therefore, let me appeal to his reason. Let us be reasonable. This cannot be done. I have already dealt with this in connection with his amendment No. 81—"the Minister-in-charge of Home Department" in place of "Provincial Government". I gave a full reply and I have nothing more to add beyond that. So, I oppose this amendment of Mr. Basu.

The motion of Sri Jyoti Basu that after clause 36, the following new clause be added, namely:—

> "36A. Any order made under this Act shall be placed before the Minister-in-charge of the Home Department within seven days of the making thereof for his approval."

was then put and a division taken with the following result:—

AYES—11.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Siddique, Dr. Syed.
Serajuddin, Ahammad, Mr.

NOES—34.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Clarke, Mr. C. E.
Das, Miss Bina.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dasa, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Sayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sinha, Mr. Bimal Chandra.

The Ayes being 11 and the Noes 34, the motion was lost.

New Clause 36B.

*Sri JYOTI BASU: Sir, I move that after clause 36, the following new clause be added, namely:—

> "36B. Any officer or policemen making wrong use of any powers under this Act shall be punished with imprisonment for a period not less than three years and a fine which may extend to one thousand rupees."

Mr. Deputy Speaker, of course I am a bit afraid to have moved this particular amendment, because I know the Chief Minister and the other Ministers also will tell me that policemen are nowadays after the 15th August no longer the same policemen as they used to be under the old regime, and a change of heart has taken place, because the Congress Ministers, leaders, willed it so. As Janab Abul Hashem—we have nowadays to call them Janab—pointed out, the Deputy Premier of India wants to suggest that since the Muslims of Indian Dominion propagated for Pakistan therefore he considers that even now he can suspect their *bona fides* if they, so soon after, express their loyalty to the Indian Union. Very well, if I take it as correct, with what logic one cannot understand the Deputy Prime Minister or the Congress Ministers here consider that policemen who have been trained under a different system, policemen who have been trained to beat up our patriots, how so soon their hearts can be changed. Of course I shall be told that the Deputy Prime Minister or for that the Congress Ministers willed it so, just as when God said "let there be light" and there was light, so as soon as these gentlemen said that the police have changed after 15th August midnight (A VOICE FROM MINISTERIALIST BENCHES: 14th August midnight) the police changed. We have to take them at their word. Of course they will tell me "You are being disloyal to us, to our State which is newly formed, which is an infant State because you have no right to speak anything against my officials and my officers". I remember very well at the outset when this Bill was first taken up for consideration that I had unfortunately critised the I.C.S., I had quoted Pandit Nehru, and the Chief Minister told me that I should not be so very fond of quoting from the Congress leaders, because he said: "the I.C.S., that tribe of people belongs to me and therefore if you criticise them or speak any evil against them you will be criticising the popular Ministry." Therefore, Sir, as I said, I was very much afraid of bringing this amendment, but whatever that may be I feel that if any policeman even under this fascist law does any wrong and if he makes wrong use of his powers which are given to him under this law he shall be liable before the bar of public opinion. Then I shall have a right to call in question all the wrongs that he might have done to me in a court of law. That is why I have suggested this amendment. If this clause is there, there would be some sort of a safeguard, because then a policeman would think twice before he takes any action against the citizens of Bengal. It may be said in all cases that the police acted in good faith, because policemen now, since they have started putting on Gandhi caps and since in the police-stations the tricolour flags have been hoisted have become patriots. I know that anything that they do will be said to have been done in good faith, and nobody can take any action against them. That is why I feel that if a new State has really come into existence, it can never function and it cannot be called a new State unless the State machinery is completely cleansed of all the rotten things of the old regime, and unless the personnel is changed nothing can happen. Of course the Ministers can defend them and tell me that policemen are like prostitutes. They have so long listened to one master and they are going to serve another master now. But I am afraid that the analogy will not hold good, although just now in answer to Janab Abul Hashem Sahib Dr. Ghosh said: "These are the policemen who served you a few months back. Then they effectively carried out your orders. Why should they not do it now when I have got them as

my kept women." That is what he seems to have suggested in his speech. But history has taught us quite a different thing. It is not possible for any regime to function unless it completely smashes up the old State machinery and builds up a new state machinery. Unless, for instance, you get rid of all the police officers and in their place put reliable, trusted men who have fought for freedom, it is not possible for the ordinary citizens to have trust in these policemen. Only the other day in answer to a question Dr. Ghosh was on the defensive. That was a question asked by one of the Congress members sitting opposite. He asked: are the policemen who perpetrated all sorts of atrocities against the people from 1941 to 1945 going to be tried? Is there any record of their crimes against humanity? Dr. Ghosh was on the defensive and said: "I have no record in Writers' Buildings. There are no records." Fine, amazing, this sort of logic! The police have not preserved their records of the old regime, of the atrocities which they perpetrated under the old regime! We know that if any records were there, those were destroyed after the 15th of August. But the Congress Ministers themselves know all the incidents. They have been ill-treated by these very policemen who have been promoted to power to-day in West Bengal. Do not any of the Congress M.L.A.'s know the names of the policemen those in service or those who are getting pensions? They do. Therefore it is no use saying "we do not know who those culprits are, we do not know who perpetrated those crimes!" I say, Sir, you know that in particular months and at particular places the police did commit atrocities and crimes. To-day you can get their names within twenty-four hours from Writers' Buildings and from police offices. But that is not being done. This is the hypocritical attitude of the Congress leaders in power to-day. That is why I am testing the Congress Ministers by inserting this particular new clause whereby I say that no policeman can be exempt from punishment if he commits any wrongful use of powers against the people. If this is accepted, I would feel that the Congress Ministers have not completely changed and gone over to reaction.

Mr. MUDASSIR HOSSAIN: Sir, I rise to support this amendment. After the 15th of August, 1947, it is well known that the police has become extremely partial. When I was present at a peace meeting in Calcutta which was attended by Mr. Dhirendra Narayan Mukherjea, the Managing Director of the Hooghly Bank, and Sri Kamal Krishna Roy, the Relief and Rehabiliation Minister, persons who attended on behalf of the Muslim community brought charges that the police were abetting looting and even murder and doing such other things. The Hon'ble Minister was present at that time but he did not say anything. Everywhere I heard that the police had taken sides in communal disturbances, and that the police were also looting, killing and doing such other things. Therefore I submit that when my friend proposes to insert this new clause in order that the police may not be able to abuse their powers, he is right, and the gentlemen of the Congress and the Ministers all know that the police has been charged with partiality, not only in Calcutta, not only in Delhi, but also in East Punjab and West Punjab, and everywhere and that the police are going against the people and that instead of maintaining law and order, they as a matter of fact destroy all vestige of law and order. Therefore when my friend, Sri Jyoti Basu (Sri NIHARENDU DUTT-MAZUMDAR: You can address him also as Janab or as Monsieur!) No, I will call him Comrade Jyoti Basu. My friend says that the police officers who are guilty of the abuse of power should be punished, and with that object in view he has brought in this new clause which I support wholeheartedly.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, I oppose this new clause 36B proposed in amendment No. 92 by Mr. Jyoti Basu. I

find that his intention in bringing this new clause is that the policemen may not function and do their duties when anti-social activities thrive. Sir, there is nothing in this new clause, and therefore I oppose it.

The motion of Sri Jyoti Basu that after clause 36, the following new clause be added, namely:—

> "36B. Any officer or policemen making wrong use of any power under this Act shall be punished with imprisonment for a period not less than three years and a fine which may extend to one thousand rupees",

was then put and a division taken with the following result:—

AYES—12.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Idris, Mr.
Muhammad Siddique, Dr. Syed.
Serajuddin Ahammad, Mr.

NOES—39.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Clarke, Mr. C. E.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Doloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Ganguli, Mr. Bepin Behari.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mookerjee, The Hon'ble Shri Kalipada.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Roy, Mr. Jajneswar.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 12 and the Noes 39 the motion was lost.

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

Allotment of time for third reading.

Mr. ABUL HASHEM: Mr. Deputy Speaker, Sir, we understand that the Government propose to take up the third reading of this Bill, if they can, to-night. We consider this will be very, very unfair. This Bill has been one of very much controversy both inside this House and outside. I feel that this Bill should be given its due grace of alloting one full day for its third reading. So, we would request you kindly to ascertain from the Government benches what they propose to do and to consider what we have placed before you. We in the Opposition shall feel very much aggrieved if the Government do not accept our suggestion.

Sri BIMAL CHANDRA SINHA: On a point of order—

Mr. ABUL HASHEM: May I continue?

Sri BIMAL CHANDRA SINHA: I am on a point of order.

Mr. ABUL HASHEM: I am on a point of privilege. So, may I continue?

Mr. DEPUTY SPEAKER: Yes, finish it. I can understand your position.

Mr. ABUL HASHEM: What we want to emphasize is this—

Mr. DEPUTY SPEAKER: You need not worry. Let us proceed in the normal way.

Mr. ABUL HASHEM: We consider it our privilege which the Opposition has always been enjoying to get the opportunity to enter into a full-dress discussion during the third reading. Therefore, this is our humble suggestion to you and please ascertain from the Government and give us your decision.

Mr. DEPUTY SPEAKER: Let us proceed with the Bill. You wait till the time comes for it.

Sri BIMAL CHANDRA SINHA: May I submit that Janab Hashem Saheb was speaking on a purely theoretical proposition. The eventuality has not yet arisen. When the eventuality does arise, you as the sole custodian—

Mr. MUDASSIR HOSSAIN: Is he in order when he is chewing *pan*?

Sri BIMAL CHANDRA SINHA: Sir, you are the sole custodian of the rights of the members of the House and it does not lie with the Government or with the Opposition to allot time. Therefore, if you are of opinion that the matter should have more time, you should give that time and if the occasion arises, Janab Hashem Saheb would be quite entitled to raise his point but not now.

Mr. DEPUTY SPEAKER: I have given my decision.

New clause 36C.

Sri JYOTI BASU: Sir, I move that after clause 36, the following new clause be added, namely:—

> "36C. Any person wrongfully detained or otherwise aggrieved shall be given such compensation as may be fixed by a Board appointed by the Provincial Government for this purpose.
>
> The Board shall be composed of three members of the West Bengal Legislative Assembly, not being Ministers or Parliamentary Secretaries."

Mr. Deputy Speaker, the purpose of this amendment is that we have seen with regard to recent events that certain persons have been detained under the Ordinance which exists now and then after a few days they have been let off. We know that questions have been put to the Prime Minister whether these persons were detained rightfully or wrongfully because I am sure the Prime Minister will not tell me that whatever is done by a policeman is done rightly. Although they have nearly become demi-Gods, the policemen may some time or other go wrong. Therefore, I have felt that if a policeman goes wrong at all—if it is found out by the Provincial Government or by the Minister that he has gone wrong in doing a particular act against a citizen—then that aggrieved person should be paid compensation for such wrongful detention or for any other order whereby he is affected. Now, the persons who are to suggest as to what compensation should be paid should not be any Judge or any other person but members of the Assembly. They should constitute a Board to go into the assessing of the compensation because these are the people in the Assembly who represent somebody or other which the Judges

do not and, therefore, they would have to, in giving judgment on compensation, remember that they would have to face their electorate and, as such, we can some time or other expect that they would give somewhat right sort of judgment and, in any case, if they do not, then there will be the electorate to correct them when they go to their different constituencies. That is why I have given this suggestion in clause 36C. I hope Government will see their way to accept this amendment and that this amendment may not meet the fate of others.

The Hon'ble Dr. PROFULLA CHANDRA GHOSH: Mr. Deputy Speaker, I oppose this amendment No. 93 of Mr. Jyoti Basu. The second part of the amendment has more or less been dealt with in connection with amendment No. 67 where also he proposed a few members of the West Bengal Legislative Assembly. I do not think it will serve any useful purpose and then in clause 36C Mr. Jyoti Basu wants to add "Any person wrongfully detained or otherwise aggrieved... ..." etc. Now, this question will give rise to all sorts of controversies, namely, whether a person can be detained as a preventive measure, etc. I submit, Sir, this new clause is irrelevant and out of order. (Sri JYOTI BASU: So, there is no wrongful detention under this clause!) I therefore oppose the amendment.

The motion of Sri Jyoti Basu that after clause 36, the following new clause be added, namely:—

> "36C. Any person wrongfully detained or otherwise aggrieved shall be given such compensation as may be fixed by a Board appointed by the Provincial Government for this purpose.
>
> The Board shall be composed of three members of the West Bengal Legislative Assembly, not being Ministers or Parliamentary Secretaries",

was then put and a Division taken with the following result:—

AYES—10.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Muhammad Idris, Mr.
Serajuddin Ahammad, Mr.

NOES—38.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Murarka, Mr. Basantlal.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Sen, Mr. Debendra Nath.
Sinha, Mr. Bimal Chandra.

The Ayes being 10 and the Noes 38, the motion was lost.

Preamble.

Sri BIMAL CHANDRA SINHA: Sir, may I have your permission to move the amendments on behalf of Sri Amar Krishna Ghose?

Mr. DEPUTY SPEAKER: Yes, you can move them.

Sri BIMAL CHANDRA SINHA: Sir, I move that in the preamble, line 1, after the words "special provision for" the words "the maintenance of public order by" be inserted.

I also move that in the preamble for the words "for the suppression", wherever they occur, the words "the suppression" be substituted.

Sri JYOTI BASU: Sir, I move that in the preamble, line 6, after the words "of the province" the words "from external aggression" be inserted.

I also move that in the preamble, lines 6 to 8, the words "and for maintaining supplies and services essential to the life of the community" be omitted.

Sir, in these particular amendments I have suggested changes whereby I think, if they are accepted, the *bona fides* of the Government can be established to some extent, because we have been told times without number that for particular purposes these special powers were needed by the Government. Of course thereafter instead of "Special Powers" in the Bill "Security" was substituted in order to give a wrong impression to the public, because if the words "Special Powers" are used the public will naturally turn round and ask as to where and how a special situation has arisen that you want special powers. But if "Security" is there then naturally it covers everything and there cannot be any question from the public because the public will probably think, here is a new State and therefore for its security some sort of law is to be put on the Statute Book. However, Sir, the Minister brought about certain changes, the Committee which was set up brought about certain changes in the Bill and the Congress Ministers also in their public statements have accepted this position that for three or four specific cases they want these special powers. Of course these provisions have been inserted in the preamble, that is, "prevention of illegal acquisition, possession or use of arms, for the suppression of subversive movements endangering communal harmony". Nobody would have any quarrel with those things. But then the other phrase comes, "the safety or stability of the province", and thereafter comes "the suppression of goondas and for maintaining supplies and services essential to the life of the community". I have suggested that with the object of safety and stability of the province everybody will naturally agree. But I hold that the Ministers have not made out a case that there is a state of war or some such emergency. They have told us that a few Banks have been robbed by armed dacoits in Calcutta and therefore they want special powers. Nobody believes that. But the fact is that in public meetings and speeches the thing which is most emphasised is that communal disharmony may take place once again in Bengal and therefore special powers are necessary. And lately the excuse was not a question of internal disruption of life by the quarrels of different communities but the question of external aggression has been raised. We are told that we are a border Province and therefore in this border Province Pakistan may all on a sudden chose to attack us: therefore we need special powers and to support that contention the Government very cleverly through its Publicity Department told the world of some faked cases, that is, somewhere some transmitter was found or some such things were found, and things like that were trotted out before the public. But, Sir, it was found that the thing was a stolen articles and had nothing to do with espionage. After that the Government has kept quiet. With regard to other incidents they talked over the 'phone with the Prime Minister of Eastern Pakistan and they came to a certain agreement. But in order to appease the agitated public mind and in order that they may support this Bill we are told of external aggression. If that is your purpose let it be said clearly in the Preamble because in the body of the Bill all my amendments with regard

to external aggression have not been accepted. And as far as the Preamble is concerned, even if it is there it does not matter much. But some time or other when we challenge this Act in a court of law we can refer to that although it is very difficult to prove anything from the Preamble. I say that if the Government are true to what they profess, then after the words "of the Province" the words "from external aggression" should be added and my amendment should be accepted.

Then another purpose comes up, namely, "for maintaining supplies and services essential to the life of the community". Now I shall be told at once that I am against maintaining supplies and services essential to the life of the community, because that is the kind of logic I hear in this House when I bring any amendment. Unfortunately, Sir, they do not hear the whole speech, but they will rather turn round and tell me "you are against maintaining supplies and services essential to the life of the community", but, Sir, I am not. The Government have not told us that there is such a state of affairs in the State of West Bengal that they would like to stop all manner of strikes, all manner of chaos and disorganisation as they would call it, but they tell us that if anything is done legitimately, if anything is *bona fide*, if any criticism is *bona fide* and if any action is *bona fide*, then it shall not come under the purview of this Act. Then why, I ask, do they specifically mention this particular phrase maintaining supplies and services essential to the life of the community"? It is because, we know, all supplies and services cannot be maintained unless the Government chooses to feed the people properly, unless the Government chooses to clothe and house the people properly. If the Government does not do that, then I accuse the Government of betraying the people, of betraying the trust which the people have bestowed upon the Government; then I accuse the Government that it to-day is disorganising the economic life of Bengal and is not maintaining supplies and services essential to the life of the community. May I ask, Sir, why is it that workers in different industries are actuated to take to the last weapon in their armoury, that is, strike. Not that they like it very much, for if strikes take place their very life is in jeopardy, but when there is no way out, the worker takes to it for his very existence and liberty and for his wife and children. If the Government behave in this atrocious manner, then they will not do anything for the working classes as such and the *kishans* and the working classes will have no other alternative but to go on strike and to impose their will on the Government if the Government does not move. If the Government create that situation for the workers and force them to go on strike, then Government cannot turn round and say like Caesar's wife "I am not to blame: I am trying to maintain the supplies and services essential to the life of the community". Sir, this Bill has nothing to do with the maintenance of supplies and services, but it is meant for some other purpose which the Government have not spoken before the public, nor have they they got it in the Bill. If it were so, then ban all strikes. Why go by the backdoor? Sir, these gentlemen claim to be people's leaders. If they are people's leaders, why do they go by the backdoor? Why not come forward and say, "We are the State: we shall act according to our own likes and dislikes". If they say so, one can understand and one can see in all its nakedness what the Congress leaders who are in power to-day want to do. I know the Congress leaders will not do so because the people must be told, "Wait a little: the opportunity is coming: we are only three months' old: what can be done in the mean time?" But they have done so much that they have quarrelled amongst themselves over Ministership. We know that they have found time to do that but not to do any good to the people. Is there a single Act which has been passed which has given anything to the working classes—whether with regard to their houses or their wages? But they have found sufficient time to quarrel amongst themselves for a

few seats in the Ministry. That time they have found but they will not fool all the people very long. These gentlemen have been fighting for almost three months since when they have come to power. They are infants and infants quarrel over little prizes like Ministerships. We thought they were servants of the people. This was their profession which they trotted out year after year. By tomorrow Dr. Ghosh may not be just there; somebody else might come. We do not know what they will do or what policy they will follow. But the workers must suffer. It is an infant State: let the infants finish their quarrel. We are told let them grow a little older—then the workers, those poor fellows who have been fighting, who have been standing by the Congress leaders and because of whose suffering they have been saddled in power to-day may receive a few crumbs they will pass such laws, such Bills whereby the workers' life and existence will be in jeopardy—that is the state in which the workers and the ordinary common men are being forced today. Therefore, Mr. Deputy Speaker, I feel that my amendment should be accepted.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr. Deputy Speaker, I accept the amendments move by Mr. Bimal Chandra Sinha—Nos. 94 and 95—and I oppose amendments Nos. 98 and 99 of Mr. Jyoti Basu. These amendments—98 and 99—have been more or less dealt with previously by me when similar amendments were moved by Mr. Jyoti Basu. In replying to amendment 63, where similar thing occurs—for maintaining supplies and services essential to the life of the community—I gave my detailed arguments. So, I need not give them here again. Another amendment which he has moved, that also I have discussed in that clause. Therefore, I need not say anything more. I need not go into the general discussion in which Mr. Basu had gone.

I oppose the amendments moved by him and I accept the amendments moved by Mr. Sinha.

Mr. MD. KHUDA BUKHSH: I rise on a point of privilege. I wish to invite your attention to the request made by Janab Hashem Saheb regarding the third reading—

Mr. DEPUTY SPEAKER: Let us dispose of the amendments first and when the time will come then you will speak.

Mr. MD. KHUDA BUKHSH: I bow down to your ruling and I am prepared to wait but this side of the House would rather—.

Sri NIHARENDU DUTT-MAZUMDAR: On a point of order. In the midst of this business is it relevant for any other matter to be brought in?

Mr. DEPUTY SPEAKER: Order, order.

The motion of Sri Bimal Chandra Sinha that in the preamble, line 1, after the words "special provision for" the words "the maintenance of public order by" be inserted, was then put and a division taken with the following result:—

AYES—38.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Maiti, Mr. Nikunja Behari.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.

Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Murarka, Mr. Basantlal.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Poddar, Mr. Anandilal.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Sinha, Mr. Bimal Chandra.

NOES—11.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Idris, Mr.
Serajuddin Ahammad, Mr.

The Ayes being 38 and the Noes 11, the motion was carried.

The motion of Sri Jyoti Basu that in the preamble line 6 after the words words "for the suppression", wherever they occur, the words "the suppression" be substituted, was then put and agreed to.

The motion of Sri Jyoti Basu that in the preamble, line 6 after the words "of the province" the words "from external aggression" be inserted, was then put and a Division taken with the following result:

AYES—11.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Mr. A. F. M.
Abul Hashem, Mr.
Basu, Mr. Jyoti.
Brahmin, Mr. Ratanlal.
Khuda Bukhsh, Mr. Md.
Mahammad Sayeed Mia, Mr.
Molla Mohammad Abdul Halim, Mr.
Mudassir Hossain, Mr.
Muhammad Idris, Mr.
Serajuddin Ahammad, Mr.

NOES—37.

Bandopadhaya, Mr. Pramatha Nath.
Banerjee, Shri Susil Kumar.
Basu, Mr. Hemanta Kumar.
Bhattacharyya, Mr. Shyamapada.
Bose, Mr. Satish Chandra.
Chakravarty, Mr. Satish Chandra.
Das, Mr. Radha Nath.
Das Gupta, Mr. Khagendra Nath.
Dass, Mr. Kanailal.
De, Shri Kanai Lal.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt-Mazumdar, Mr. Niharendu.
Gayen, Mr. Arabinda.
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Mr. J. C.
Haldar, Mr. Kuber Chand.
Mahanty, Mr. Charu Chandra.
Majhi, Mr. Nishapati.
Majumdar, The Hon'ble Shri Bhupati.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Annadaprasad.
Mandal, Shri Bankubehari.
Mandal, Shri Krishna Prasad.
Mookerjee, The Hon'ble Shri Kalipada.
Murarka, Mr. Basantlal.
Naskar, The Hon'ble Shri Hem Chandra.
Panja, Mr. Jadabendra Nath.
Pentony, Mr. L. R.
Poddar, Mr. Anandilal.
Pramanik, Mr. Rajani Kanta.
Ray, The Hon'ble Shri Kamal Krishna.
Ricketts, Mrs. E. M.
Sinha, Mr. Bimal Chandra.

The Ayes being 11 and the Noes 37, the motion was lost.

The motion of Sri Jyoti Basu that in the Preamble, lines 6 to 8, the words "and for maintaining supplies and services essential to the life of the community", be omitted, was then put and lost.

The question that the Preamble, as amended, do form part of the Bill was then put and agreed to.

The Hon'ble Dr. PROFULLA CHANDRA GHOSH: Sir, I beg to move that the West Bengal Special Powers Bill, 1947, as settled in the Assembly, be passed.

Adjournment of the House.

Mr. DEPUTY SPEAKER: I take it that it is the desire of the House not to sit any longer today.

Sri NIHARENDU DUTT-MAZUMDAR: May I know, Sir, what is the scheduled time for the sitting of the House?

Mr. DEPUTY SPEAKER: Generally three hours, but everything depends on the wishes of the members of the House.

Mr. MD. KHUDA BUKHSH: Sir, though we have the greatest respect for your desire, we want to make this submission. We have seen in the newspapers today that a very great change has taken place in our Province, namely, that Dr. Ghosh has relinquished his office, and on that ground, I submit, let the third reading be postponed.

Mr. DEPUTY SPEAKER: No, no. That is a rumour. Newspaper reports are not to be taken cognisance of by us.

Mr. MD. KHUDA BUKHSH: Apart from that, Sir, there are other considerations for today's postponement. This is a controversial Bill, Sir, and with this depleted opposition—.

Sri NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir. Unless there is any authoritative communique which can be officially taken notice of, no newspaper report can be brought in here for discussion. The Hon'ble Dr. Ghosh's motion is now before the House and while that motion is before the House, no other discussion can take place except the discussion on the motion itself. And so far as the time available at our disposal, without going beyond the limit of the scheduled time, is concerned, I think that that time ought to be utilised in discussing that motion, instead of wasting our time unnecessarily. I, therefore, submit that no other matter may be raised and discussed until our scheduled time expires.

Mr. DEPUTY SPEAKER: As regards your first point, Mr. Dutt-Mazumdar, I have given my decision already. As regards your second point if the House is not in a mood to sit any longer, then I cannot compel it.

Mr. MD. KHUDA BUKHSH: Firstly, Sir, my submission is that there is no scheduled time. You have ruled that the House sits generally for three hours. During the short time I have been a member of this House I have seen many variations in the period of sitting, but the submission that I wanted to make is that our speeches on this side will necessarily be conditioned by the amendments and the replies to those amendments. We have not been able to study those amendments and in order that the motion now before the House should be profitably debated upon, we should be given time to digest the amendments proposed and the nature of the whole Bill that has now emerged. As I was going to point out to you, Sir, it is not possible for us with this depleted opposition to give proper time and attention to the quality and the quantity, so to say, of the entire Bill. And from the beginning we have been urging upon you to adjourn the House till tomorrow so that we may come prepared to discuss the matter more profitably.

Mr. DEPUTY SPEAKER: I have nothing further to add to what I have already stated. The House stands adjourned till 3-45 p.m. tomorrow.

Adjournment.

The House was accordingly adjourned at 6-25 p.m. till 3-45 p.m. on Thursday, the 15th January, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 15th January, 1948, at 3-45 p.m.

Present.

Mr. Deputy Speaker (Sri ASHUTOSH MALLICK) in the Chair, 9 Hon'ble Ministers and 59 members.

STARRED QUESTION

(to which oral answer was given)

Indian Mental Hospital at Ranchi.

***16. Sri DHIRENDRA NARAYAN MUKHERJEE:** (*a*) Will the Hon'ble Minister in charge of the Health and Local Self-Government Department be pleased to state—

(*i*) whether any supervision or control is exercised by West Bengal Government with regard to the maintenance of the Ranchi Indian Mental Hospital at Kanke;

(*ii*) if so, to what extent and of what nature;

(*iii*) whether any sum is annually contributed to the Hospital by Government;

(*iv*) if so, what is the sum and what ratio it bears to the total expenses for the Hospital;

(*v*) how many Bengalees are at present employed there in different categories of posts, namely, ministerial, executive, nursing and attending staff (showing the numbers for both male and female); and

(*vi*) whether any physician domiciled in Bengal has got the post of the Superintendent or the first Assistant Superintendent ever since the establishment of the said Hospital?

(*b*) Will the Hon'ble Minister be pleased to state whether he is considering the desirability of, either—

(*i*) starting a Mental Hospital in West Bengal, or

(*ii*) bringing down the Bengal part of the said hospital here at one of the following places, viz., Berhampore, Dum Dum, Hijli and Kanchrapara?

(*c*) If the reply to (*b*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state when the said Hospital is likely to be detached and brought down to West Bengal?

(*d*) If the reply to (*b*) is in the negative, will the Hon'ble Minister in charge be pleased to state the reason thereof?

MINISTER in charge of the HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sri Annada Prosad Chowdhury): (*a*) (*i*) and (*iii*) Yes.

(*a*) (*ii*) The concurrence of this Government is necessary before administrative approval is given by the Government of Bihar to any

building scheme or other work or to the entertainment of any new staff, temporary or permanent, or to any new unusual expenditure of any kind. This Government have also a right to be consulted regarding the total accommodation to be provided in the Hospital. The Government of West Bengal also exercise supervision and control in the management of the Hospital through their representatives in the Managing Committee, who include the Secretary of the Health and Local Self-Government Department, the Director of Health Services, and six non-officials.

(*a*) (*iv*) The contribution of the Government of Bengal to this hospital in 1946-47 amounted to Rs. 6,75,951-4-8, which was equivalent to 75 per cent. of the total expenditure of the Hospital for that year.

(*a*) (*v*) The number of Bengalees at present employed in different categories of posts in the hospital, is furnished below:—

		Male.	Female.
(1) Ministerial staff	...	4	...
(2) Executive staff	...	10	3
(3) Nursing staff	...	...	...
(4) Attending staff	...	24	3

(*a*) (*vi*) No, but several Bengalees belonging to the Bihar Provincial Service officiated as Superintendent and Assistant Superintendent of the Hospital for certain periods.

(*b*) (*i*) and (*ii*) Yes.

(*c*) As soon as a suitable site is selected and negotiations with the Central Government and the Government of Bihar are completed.

(*d*) Does not arise.

Sri BIMAL CHANDRA SINHA: With reference to answer (*a*) (*iv*), will the Hon'ble Minister be pleased to state whether this sum of Rs. 6,75,000 and odd includes expenditure on the European and Indian wards?

The Hon'ble Sri ANNADA PROSAD CHOWDHURY: It is for the Indian Mental Hospital.

Sri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether the Bengal Government bears any share of the expenses for the European ward of the Mental Hospital?

The Hon'ble Sri ANNADA PROSAD CHOWDHURY: The Bengal Government does.

Sri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether that expenditure exceeds this amount or is less than this amount?

The Hon'ble Sri ANNADA PROSAD CHOWDHURY: In the year 1946-47 the European Mental Hospital had a contribution of Rs. 2,50,000 whereas the Indian Mental Hospital had Rs. 6,13,000.

Sri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state the approximate number of patients sent by Bengal to the European ward and to the Indian ward respectively?

The Hon'ble Sri ANNADA PROSAD CHOWDHURY: I want notice. I am not ready with that now.

Sri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state how many beds are reserved for the patients from Bengal in the European ward and in the Indian ward respectively?

The Hon'ble Sri ANNADA PROSAD CHOWDHURY: 75 per cent. in the Indian Hospital and for the European Hospital I want notice.

Sri BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether the total staff employed from Bengal form 75 per cent. of the total staff employed by the Hospital in the Indian section?

The Hon'ble Sri ANNADA PROSAD CHOWDHURY: I want notice.

GOVERNMENT BILL.

The West Bengal Special Powers Bill, 1947.

Janab A. F. M. ABDUR RAHMAN: Mr. Deputy Speaker, Sir, a good deal of unpleasant controversy has been raised throughout the country over the West Bengal Special Powers Bill—now the West Bengal Security Bill.

Sir, I do not like to recall the incidents that happened centering this Bill which necessitated postponement of consideration of this Bill by over three weeks, and I must say that Government did well to postpone consideration of the Bill. Sir, we on this side of the House only wished that Government had done so earlier. Introduction of such a highly controversial piece of legislation should have been preceded by mobilisation of public opinion.

Sir, the Bill is a direct negation of principles so long preached by the party now in power. It is going to curtail the cherished fundamental rights of a citizen, and to justify such an encroachment on civil liberty, one must be satisfied that an extreme urgency exists which would furnish grounds for such a measure. Sir, I am sure that every patriotic citizen of the State in any grave situation will willingly submit to curtailment of individual liberty in the larger interest of the State, but Government must satisfy the people that the existing laws are insufficient or ineffective in dealing with the danger to the State. That some other province has a similar law and so we must have it, I do not think that should be a sufficient argument. It must be said to our regret that the Hon'ble the Leader of the House has failed to make out a convincing case for a Bill of such drastic nature and he has not been able to throw any light to the House why he wants these sweeping powers and also the urgency.

Sir, democracy can never function properly without an opposition. Sir, we would only wish that the Hon'ble the Leader of the House should take us a little more into his confidence and tell us why he wants to be armed with these extraordinary powers so that we can give our unstinted support to a measure which is necessary to run a good Government. Sir, we have already indicated the policy of our party. We shall oppose when we must and not only for the sake of opposition. I can assure the Hon'ble the Leader of the House that we on this side of the House are no less anxious for peaceful administration in the country than the Hon'ble Premier or the members now sitting in the Government benches because we know, Sir, that if there is disorder in the country, we shall have to pay very heavy penalty.

Sir, we are still in the dark why all these special powers are wanted. Is it only to curb all opposition to the party in power, to gag the press so that they may not criticize the Ministry, to muzzle all labour organisations and agrarian movements, to help the capitalists and lastly to rope in Muslims and specially of the border districts on the pretext of safety or stability of the province?

Sir, my friend Jonab Khuda Bukhsh has already narrated in the House about the incidents of Murshidabad. The wanton arrest of Mussalmans in Murshidabad has created a considerable panic and also resentment in the minds of the Mussalmans of West Bengal. We are thankful to the Hon'ble

Premier for his intervention and the early release of innocent persons. I am told that some more Mussalmans have been detained merely on suspicion. We would request the Hon'ble Premier to examine their cases. If they are guilty, they should be tried in a proper court of law or else should be released.

Sir, thanks to Providence there is peace in West Bengal and we apprehend that any improper or misapplication of this drastic power may again disturb the peace of the country.

Sir, our party would like to have an assurance from the Hon'ble the Leader of the House that there will be no injudicious use of these wide powers even in a single case. Sir, assurances of a Premier of a Free State are entitled to great consideration.

Before I resume my seat, I would like to mention a recent incident in village Khari in Mathurapur police-station in the district of 24-Parganas where as a result of rioting and incendiarism about 300 persons were rendered homeless. I hope Government will make adequate provision for the relief of these people, and we also demand that the delinquents will be properly punished—it does not matter to which community they belong.

Mr. DANIEL GOMES: Mr. Deputy Speaker, Sir, speaking as one of those who are not interested in opposition for opposition's sake and as one of those who are inclined to give a benevolent interpretation to the acts and intentions of Government I must say that it is not without some anxiety and fear that one can suffer this Bill to be passed into law. Granting the patriotic intentions of Government and granting that when the Bill is passed into law it may turn out to be a sort of a fortress to the constitution wherein the germs of mischief may be imprisoned and sterilized,—even granting this I must say that ordinary citizens demand from the honourable members of this House answers to two questions. Is the welfare of the State to be secured by open transgression of the established rules of democracy? Is the convenience of the executive in the matters of administration, a sufficient justification for the curtailment of civil liberty? I must say that I have a good deal of sympathy with my friends Sri Jyoti Basu and Janab Khuda Bukhsh who have tried their level best to point out some of the obnoxious clauses of the Bill. They have tried their level best to oppose important clauses of the Bill if for no other purpose but to give vent to the feelings that there are points of friction where the shoe will pinch the most. It is a sad commentary on the affairs of the State that barely have we enjoyed freedom for a few months than our Provincial Government should invite us to pass a law which will practically reverse the rule of law. Mr. Jyoti Basu, Mr. Khuda Bukhsh and others have in the name of law and liberty and everything sacred opposed some of the provisions of the Bill, I would ask the Government, I would implore them not to ridicule the persons who sing the song of liberty, for such songs are never idle songs. It is the song of liberty which has cheered us in our struggle against foreign domination, it is the song of liberty which will probably sustain us to stand against any aggression that might be started against us. It is certainly food for thought, if society has to be protected by subservience to the orders of the lower executive; if society has to be proteced by the surrender of the honourable conditions of living—it is certainly food for thought, if Government has to derive dignity and safety by means which permit them to play foul of the rules of orthodox democracy. Is the time come when obedience to the law and correctness of conduct will not be a sufficient protection to the citizens, but that we must measure our steps, select our expressions and even adjust our looks so as not to attract the attention of unscrupulous policemen, informers or agent provocateurs. I must explain my viewpoint very clearly. In spite of the cutting and clipping of the Bill by the House, in spite of the relaxation of the rigour of some of the clauses, in spite of the generous assurance that Government have given, I

must say that the Bill in its principle, scope and severity means a very bitter pill that Government are asking the people to swallow in times of apparent peace. Therefore it was no wonder that a hue and cry over the Bill was lately raised outside this House; I cannot call all those who protested as hollow pretenders or that the criticisms of the Bill were just the grumblings from the outpost of a foreign office or of a foreign country. Nevertheless, I think that there is another side of the picture, and after due deliberation there will be plenty of room for moderation in the criticism of the Government demand. Government are responsible for peace in the country. Government have got ample scope to find out facts and therefore their reading of the situation is worthy of acceptance in preference to the reading by any individual or any party however industrious it may be. Times are bad and we must not take any chance. We all love civil liberty, but we must have a sense of proportion. Civil liberty may be a good thing, but the safety and stability of the province or the State is certainly a greater, a more fundamental and more impotant thing. We do not want that this country should be thrown into the chaotic condition of France or into the greater chaotic condition of China or even that the history of this province should be blackened by political murders on the scale of Burma.

The further thing that we must consider is whether the Government which is demanding power have got sufficient credit. Here I think there is a decisive conclusion that must be drawn This Government—although they have been in power for a very short time—have proved that they are out to serve the people and not simply wield the power. It is a Government which is led by an outstanding figure of the calibre of Dr. Ghosh, a person of proved integrity and sincerity, a person who remains in the estimation of the multitude of his countrymen, as a cultured gentleman, full of sweetness and light, incapable of harbouring immoral designs against his political opponents If such a Government desire us to believe that there are subversive forces in the State, which may be making attempts to overthrow the State by violence we have to believe it. And if such a Government demand that we should grant them extra powers so as to enable them to operate a stitch in time in order to save nine, we have to comply with their demand. Nevertheless, I must give a warning to Government that they are drawing very heavily on the confidence of the public, and that this House is about to give them a very long rope with which to hang mischief-mongers, in fact, I consider the rope a bit too long. I apprehend that not only mischief-mongers but also innocent men may be hanged with the help of this rope. The necessity on the part of Government to be ever vigilant can therefore never be overemphasized. I must insist upon the Hon'ble Minister to giving an assurance that, the Minister in charge of the department, himself, and his Secretariat will not fail in their duty of seeing that our hard-won liberty will not be made *namka waste* democracy but *kamka waste jabardasti*.

Janab MUDASSIR HOSSAIN: Mr. Deputy Speaker, Sir, I heartily congratulate our Hon'ble Premier for his very successful piloting of the West Bengal Security Bill. I also congratulate him for the very able manner in which he has carried on the debate when the Bill was on the legislative anvil. He may not be eloquent, his speeches may not be flowery or furious, they may be concise, but with astounding clearness he did confine himself to the matter of fact before the Assembly and the reasons he gave for opposing most of the amendments were that those amendments, if accepted, would frustrate the object of the Bill.

In this connection I would urge upon the House the absolute necessity of restricting the ardour of the members to be eloquent at the expense of decorum, sobriety and dignity of the House. If we analyse the relevent eloquent speeches by some of our members for and against the Bill and come down from the region of oration to a plain statement of facts, it will boil

down to hurling invectives and abuses on the devoted heads of one party or other. Such abuse of the power of speeches must be stopped and all talks not relevant to the matter before the Assembly must be disallowed if the solemnity of the occasion and dignity of the House is to be preserved and the time and energy of the members are to be canalised in useful and healthy directions. We now always declare that we are now independent but have we realised the rights and obligations of independence? If I am to answer the question I would answer with a positive "no". That wonderful book, the Quoran, which is believed to be the message from God says, "Sovereignity is for those who follow the path of God and the path of God has been defined as a path of earnestness, path of virtue, path of fairness, path of rectitude, path of justice and the path of humanity". It means that those people who are the proud possessors of those qualities can achieve sovereign powers and independence. Judging by the standard laid down in the Quoran, the people of Bengal, or for the matter of that, India are unfit for getting freedom or independence or sovereign powers. Independence has yet to come. Unless we practise discipline, self-restraint, friendly, brotherly and humane feelings for all and sundry, independence will be a chimera which will elude our grasp. We, the Muslims, have been accused of communalism. We have been accussed of fanaticism and we have been accused of playing to the gallery. We have been accused of helping the British and it is said that the Congress alone fought and suffered for freedom. These are statements which are blasphemous and those who hold such views reveal their Himalayan ignorance of history and of facts. Who does not know the stand taken by Mir Kasim and the heroic bands associated with him against the British Imperialists. He declared war on them which cost him his life, position and everything. Who does not know their cruelties and torture practised by the Britishers upon the Muslims? It is the British who deprived them of their heritage. Those inhuman acts were followed by armed rebellion from one end of India to the other end led by Syed Abdullah and others, which is known as Wahabi rising. All these culminated in the Sepoy Mutiny which in fact was a national rising in 1857. During the period of nearly a century hundreds of Muslims were executed, thousands were killed and put behind the prison bars. I can say with confidence that Muslims were in the forefront and took a manly part in that struggle. During this one hundred years the Muslims were crushed and were entirely subjugated. Their culture, their language were destroyed, their wealth was confiscated and they were deprived of their means of livelihood and they had to fall back for their livelihood upon tilling of the soil and other despised occupations. Thus from a high level of culture and learning they lapsed into illiteracy, poverty and ignorance. I may mention here that the void thus created by the British by the elimination of Muslims from the official and commercial life of the country were eagerly filled up by the members of the other commuunities and they began to bask in the sunshine of British Imperialism and became active participants in the comfort and opulence of the Britishers.

It is in this juncture that the Indian National Congress came into being with the avowed object of wresting the powers gradually from the British Imperial hands. Then a struggle ensued which ultimately ended in the voluntary transference of powers from British to Indian hands and in separation of Muslim majority area from the Hindu majority area. Now the question arose to whom the powers were transferred. The militant Muslims of the Muslim majority area thought that the power had been transferred to them and in the Hindu majority area the militant Hindus thought that the power had been transferred to them and thus in respective areas one community began to commit oppression and violence on the other and the whole of India became a pandemonium and hell was let loose. Apart from Hindu-Muslim question, this transference of power has serious affected the peasants and workers. They began to demand higher wages and even

there was demand in certain places for *participation in the management and profit* as they also thought that *they were entitled to exercise power*. The capitalists resisted these demands and again there was a serious agrarian and industrial trouble. This has also aggravated the situation. For these reasons there is continual apprehension of the breach of peace. Even in rural areas of West Bengal there are militant Hindus who seriously think that they are the ruling authorities and the other community must meekly submit to anything they do. Even in local committees in districts and subdivisions it is they who dominate and the local officials calmly submit to them. They do not raise their voice against such domination. The counsels of others are thrown to the winds. Such is the arrogance of the leaders of the majority community in the mufassil. It is this background, it is this hot bed which nurses unrest, produces goondaism and is conducive to black-marketing and foul practices. The Government thinks that violence can be met by violence in legislation and the outcome of this thought is the West Bengal Security Bill, the Black Marketing Bill and a host of other Bills. I am positively of the opinion that the confusion will be worse confounded by these measures.

(At this stage the blue light was lit.)

Sir, I want a few minutes more. I have nearly finished.

Mr. DEPUTY SPEAKER: I think there will be another edition of this book if you go on reading from this book in this way. However, try to finish your speech.

Janab MUDASSIR HOSSAIN: Sir, persons who are actuated by a certain motive and inspired by a certain ideal care a fig for their lives, safety or convenience or comfort. It is they who turn terrorists, it is they who turn anarchists, it is they again who form death squads and death battalions. We have seen enough of such persons even in Bengal as elsewhere.

Sri SUSIL KUMAR BANERJEE: On a point of order, Sir. I want to know whether that thing will be recorded as a speech.

Janab MUDASSIR HOSSAIN: Yes, certainly it will be recorded because I have jotted down notes from which I am speaking.

Mr. DEPUTY SPEAKER: Come to the point.

Janab MUDASSIR HOSSAIN: What is this Security Bill? It is nothing but a code for punishing such people. I think, Sir, it will defeat its own object. The remedy for all these things is to follow the *mantra* of Mahatma Gandhi who is the only ray of hope in this benighted country. Let us therefore drop this Bill. Let us all start on a mission of peace and communal harmony. Let us all obliterate all difference between man and man. Let all property and means of production and distribution be nationalised and let everything be managed by co-operative method and share with the workers and peasants the profits in a reasonable manner. Let us all start on a mission to ensure removal of illiteracy, poverty and such like things. Mere profession of Kisan-Mazdoor Raj is of no avail. It will be regarded as a lip service. Let us all try to save Mahatma Gandhi who is truth and non-violence incarnate. Let us discard hypocrisy and with these words I urge that the Hon'ble Minister should withdraw the Bill.

(At this stage the red light was lit.)

I will say something to those who talk of civil liberty. I would say civil liberty is a misnomer. Where there is no independence in the real sense of the word there cannot be any civil liberty. If the people be violent, if the people have no sense of fairness, if the people have no sense of humility, they can have no civil liberty nor can they claim civil liberty. If the people

are fascists, if the people are not law-abiding, ordinary mortals will try to punish them, but a great man will reform them as Hazrat Mohammad did by invoking the divine interference in the shape of peace and concord.

Mr. DEPUTY SPEAKER: Your time is up. Please sit down.

Janab MUDASSIR HOSSAIN: In conclusion, Sir, I learn with deep regret that our beloved, sincere and honest Premier, Dr. P. C. Ghosh, will not be here to guide and inspire us with his ideals here. Sir, I can assure him that he has our highest esteem and regard and Bengal, both East and West, will lose a great and selfless leader whose only aim was the uplift of both Bengals and establish harmony between all classes of people.

Janab MD. KHUDA BUKHSH: On a point of order, Sir. This is the third reading of the Bill. Our information is, and I think the rule says, that on a third reading a member, as long as he has got something useful to say or as long as he is in possession of the floor of the House, will be allowed to speak.

Mr. DEPUTY SPEAKER: Certainly. He spoke for 12 minutes. I think that is enough

Janab MD. KHUDA BUKHSH: There is no time-limit in the third reading of the Bill

Mr. DEPUTY SPEAKER: Yes, but I do not think there is any relevancy in what he is saying in the third reading of the Bill

Janab MUDASSIR HOSSAIN: I would protest that and say that it is the most relevant thing that I have spoken, and if I were in a court of law and had I been called upon to speak how it would be relevant I would explain it to the satisfaction of the court

Sri BIMAL CHANDRA SINHA: Mr Deputy Speaker in intervening in the third reading of the Bill I would like only to speak a few words on the nature of the Bill itself and I shall not emulate the example of Janab Mudassir Hossain Sahib in quoting from books and scriptures and telling us that the path of God is the path of earnestness, because if I am right, Sir, we have all of us been earnest whether in our support of the Bill or in our opposition to the Bill, and even in our abuses, but, Sir, I would like to point out one thing There has been criticism of this Bill inside this House as also outside I do not for a moment say that this Bill is not obnoxious because for every human and decent being any oppressive measure is bound to be obnoxious, but whether a measure is obnoxious or not, whether a measure is undesirable or not, we cannot judge by abstract theories alone and we have to take into account objective situation in which we are today When the Congress Party lent support to this Bill it did not lend support to this Bill in the abstract but having regard to the situation we are in we thought that some such measure may perhaps be necessary in the troubled days that we are heading for, and that was why Congress Party made it a point not to allow the more violent Special Powers Ordinance to remain in force and to bring this Bill so that the public might get an opportunity to criticise the measures and to have an Act on the Statute Book after it has gone through the Legislature representing all sections of opinion

Sir, I was really sorry to find today a statement by Srijut Sarat Chandra Bose, the erstwhile leader of the Bengal Congress Parliamentary Party, wherein he has made certain allegations which a person of his calibre ought not to have made. I find from that statement, Sir, that he has yet said that this Bill can be given a fresh lease of life as many times as possible without knowing that there has been accepted a short-notice amendment moved from this side of the House deleting the words "so often as" in

clause 1 of this Bill which limits this Bill to an ultimate time-limit of two years only—one year by the Statute and one year by the resolution. (Janab MD. KHUDA BUKHSH: It does not.) Certainly it does.

Secondly, Sir, Mr. Bose has also said that the reference to a High Court Judge is discretionary. I had hoped that an eminent lawyer as he is he would have taken the real meaning of the provision that has been added at the instance of the Congress Party wherein it has been made mandatory on the Government to refer each case to the High Court Judge and to abide by his decision, whether that decision goes in favour of Government or against it.

Janab MD. KHUDA BUKHSH: I rise on a point of order. The honourable member is making a reference to a gentleman who is not a member of this House and he is also taking notice of what has appeared in the press. Is he right in doing so?

Sri BIMAL CHANDRA SINHA: Mr. Deputy Speaker, may I submit that the first part of Mr. Khuda Bukhsh's point of order is really irrelevant because if we are entitled to refer to Quoran and to books and to persons outside then I think I am perfectly entitled to make a reference to a gentleman who does not happen to be a member of this House, and so far as newspaper reference is concerned, I am not making any speech on that but I am referring to the Bill and then I am controverting an argument that has appeared somewhere.

Sir, my point has been finished and I shall not, in deference to the wishes of the Opposition, pursue that point further but Sir, I would like to come to the point made out by Mr. Abdur Rahman Saheb wherein he has stated that this Bill is the negation of the principle of individual liberty. He has further said that democracy can never function without an Opposition. We would have welcomed such statements from the honourable members of the Opposition if the Opposition members really protested against that Bill as an Opposition should, but it is to our great regret, Sir, that the Opposition members said that they were yet undecided as to whether they would function as an Opposition or as a limb of the Government. We have always welcomed constitutional opposition because we quite agree with the view-point expressed by Janab Abdur Rahman Saheb that democracy cannot function without an opposition. What we say is that while welcoming constitutional opposition no State can brook that sort of opposition which we witnessed before the Assembly gates a few days before when this Bill was to be introduced in this House.

Thirdly, Sir, I would like to come to the points made out by Srijut or shall I say Mr. Jyoti Basu. (Mr. JYOTI BASU: Anything you please.) I quite agree with him when he says that security measure is not the whole thing that should be the consideration of Government. I quite agree with him that there are many real problems before the people of this country. They have to give them food, they have to give them the minimum needs of living and they have to make them real men in the real sense of the terms. I quite agree with him so far as these points are concerned, but unfortunately, Sir, I have to differ from him when he says that security measure is not a measure which must have precedence over other measures, for you know, Sir, that without security all our efforts to protect them from the distress they are in, from the unending troubles they have been suffering so far from the dark days of the previous administration, from the days of the famine, from the days of the war, from the days of governmental misrule, will be of no avail. If we have to protect the people from these and lastly from the hatred and passion roused by the communal policy followed by the Muslim League Government during these ten years, a security measure is of paramount importance. Along with our consideration of the measures for giving food, relief and succour to the people we are bound to consider

what measures of security we have to take in order to save India and her newly born freedom from the clutches of reactionary elements that still roam here and which unfortunately led to the division of India.

But, Sir, I cannot really understand the points raised by Janab Siddiqi the other day. He said that Congress members have now performed a somersault and things like that. Before examining his arguments, I must quote his words uttered on the 9th August, 1938, when a motion of no-confidence was tabled against the then Ministry. He quoted in Urdu which I unfortunately cannot read but he for our benefit made a translation of that which reads:—

"If we sit (doing nothing) we are called 'idle'

(But) if the Shaikh sits—it is taken as resignation to Divine Will."

I would like Mr Siddiqi to remember these words. Unfortunately, Sir, while intervening in a debate on a particular clause which sought to give power to the High Court he was very hard on the members of this side of the House and on a particular member especially and without having confined his remarks to the purport of the clause itself he spoke of a particular member not only most unkindly but I do not know if it was—most irrelevantly. I shall not say that it was humbug. Well, Sir, Mr. Siddiqi said that Congress members have now performed a somersault. I understand the viewpoints of Mr Jyoti Basu, but it was a little surprising to find Mr Siddiqi so solicitous of civil liberty and of the interest of political prisoners when I remember, Sir, that only a few years ago he was pleased to call the political prisoners as the *damads* of the Government. It was really interesting to find the person who called the political prisoners the *damads* of Government now shouting hoarse in sympathy with the political prisoners—not political prisoners, Sir, but criminals who are trying to overthrow the State. Sir, it is very interesting to find that a staunch supporter of the Muslim League Ministry who roused dark passions and hatred and communal antagonism now comes forward for all the privileges of civil liberty and individual liberty. Anyway, I do not put much emphasis on what Mr Siddiqi said, because Mr Siddiqi has been in his usual habit of saying things which he does not really mean.

In conclusion of my speech, I would like only this much to say that an obnoxious measure as it is, it stinks in the nose of every lover of freedom and particularly it sticks in the throat of the Congress Party which has so long fought and died for civil liberty and for the fundamental rights of the people, but, Sir, remembering that glorious past the Congress Administration and the Congress Party have yet to pass this measure, because in the context of the present situation if independence has to be saved, if the country has to be put on a stable basis there must be some sort of a security measure, so that the innocent people may not be drowned in a sea of blood, some portion of which was noticed in the streets of Calcutta since the 16th August, 1946. That is the sole *raison d'etre* for this Bill and nothing else. It depends on the people of this country now to establish confidence, mutual good will and sympathy, and if that confidence, good will and sympathy are restored I feel sure the Congress Government will be the first to withdraw this measure, and I have not the slightest doubt that this measure shall not remain for a moment longer than it is necessary. But, Sir, I would like to appeal to the members of this House that it entirely depends on the people of this province to say whether this measure will remain in the statute book or not. It does credit to no party to shout abuses to each other, and therefore I would like to say to all sections of the people to come to a mutual understanding and create confidence, so that this Bill may not be necessary. But, Sir, can you really say that in the present context this Bill is absolutely unnecessary? Government have always been reasonable and they have reasonably put forward amendments, so that the possibilities of misuse of the powers that

may take place may be reduced to the minimum. I do not say, Sir, that there cannot be any misuse of powers, because no law can be foul-proof or any other proof. I would request all sections of this House and through them the people of Bengal that the ultimate remedy lies in constant vigilance. You know, Sir, that eternal vigilance is the price of liberty. I do not agree with the viewpoints expressed by some members that this Bill is a negation of civil liberty, because no Government of the land, whether it be of the Congress type or of any other type, can take away the fundamental right of revolution and supplanting the Government if they go astray. Even conceding that right, we shall say that if the people be vigilant then all chances of misuse of powers will be reduced to the minimum, and no Government can dare defy public opinion if the people are not working at cross purposes and if they are not against the stability of the State or are not trying to overthrow the State as such

Sri JYOTI BASU: Mr Deputy Speaker, Sir, today we have reached the finale of a diabolical measure which is to disgrace our people in the eyes of the world, and which tears to pieces the most cherished democratic rights and institutions all over the world Today is the day of boundless misfortunes, for civil liberties are about to be cruelly slain The chief actor in this drama, I believe, is about to leave the stage, not because any principles are involved, but because of petty and sordid jealousies within the Congress Party Whilst there will not be any rejoicing at the installation of a new Ministry, neither will there be any tears again for the departure of Dr Ghosh, for within four months under his leadership ignominy and shame have been heaped on the people of Bengal As against the advocates of tyranny sitting there opposite adorning the ministerial benches I have represented the countless millions who are in prison and outside and who have sacrificed everything in this struggle for democracy and for free life I have spoken for those who have dedicated their lives even unto death for the fight against the Rowlatt Act and Andersonian rule

I have espoused the cause of Khudiram, Kanailal and Surya Sen and others who mounted the gallows shouting liberty or death I have in my protests drawn sustenance from the common people who rose in revolt against the autocratic alien rule and their tyranny and believed in freedom. It has been my endeavour to show in clause after clause through my amendments that this Bill seeks to enchain citizens, that this Bill seeks to fasten upon their necks the yoke of slavery and misery It has been my purpose to rouse the conscience and the vigilance of the people against a measure which will be used to crush all the movements of the people for a better life; to smother opposition and to vilify those who criticize Government measures and oppose the Government in any way as enemies of the State because even though an amendment has been accepted that if there is legitimate criticism of Government it will not come under the purview of this black Bill, yet we know that only a few days back, the *Swadhinata*, the daily paper of the Communist Party of Bengal, because it organised and offered opposition to the Bill, has been denied of all Government advertisements which had been given to that paper but have now been stopped Sir, I have also shown how the police are being installed as our masters and armed with extraordinary powers - the police who have not changed since the 15th of August, 1947, the police who had been through their training taught to be anti-people, anti-democratic and brutalised I have demonstrated with examples how workers and political parties and individuals have been made to suffer under the Special Powers Ordinance which exists today I have proved by quoting from secret military and Criminal Investigation Department circulars how legal parties are being spied upon by the Congress Government. I have shown how they are treating legal parties as subversive parties and the action of their members as subversive acts.

It has been sought to be made out that apart from communal danger the State has been beset by enemies from within and hence special powers are necessary for the police. Mr. Bimal Chandra Sinha speaking just now has made out the point that this Bill is obnoxious to any freedom-loving person I am glad that he made that speech, and that at least there is one on the Congress side who agrees to that. But I also would suggest to him that I have tried to point out here that security is the first thing which is necessary for any State, whether it be new or old, but I shall point out later that that security does not lie in the path that the Ministers are treading today, but that, in clause after clause, I have tried to point out. In fact we know to our bitter experience that it is neither the police nor the bureaucracy nor even the Ministers themselves, but it is the people alone who can save the State. History has amply borne testimony to the fact that after a successful revolution it is a free people fully armed, and enjoying the confidence of the Government, who can rise as one man to defeat all enemies But to enable the people to act as free men and rally round the Government, urgent and swift measures are necessary to improve the condition of the common people. And there I agree with Dr. Bidhan Chandra Roy when he said the other day that swift and urgent measures were necessary today in Bengal and in India. But we differ, Sir, with regard to what should be those swift and urgent measures. I claim that it is necessary to save the State, to improve the condition of the common people, to stop soaring prices, to limit profits, to raise the wages of workers and to nationalise the main industries and to destroy the zamindary system in order to give the land to the tillers, to mete out exemplary punishment to profiteers and black-marketeers and those people who disturb communal harmony Sir, this alone will ensure the safety and stability of the State That was the path which the masses wanted to tread on the 15th of August when shouts of joy rent the sky of Bengal People cradled themselves in the hope that their sufferings would begin to end, but their fond hopes were shattered within the space of three months. Sir, the Congress leaders are following a different path They are pretending to preserve the State on the one hand by not confiding in the people but by shackling their liberty, by declaring strikes illegal, by dividing their ranks through the Government-sponsored trade union congress On the other hand public order is being ensured by abolishing excess profits tax, by guaranteeing more profits, unlimited profits through decontrol and by refusing to nationalise the industries both Indian and foreign, and by refusing to confiscate without compensation the landed interests The people are called upon to forego civil liberties and Pandit Jawaharlal Nehru said so in his speech when he came to Calcutta But compensation is not kept in abeyance to lessen sufferings and poverty in India because it is said that compensation has been guaranteed by the fundamental constitution of India That is, we are to ensure the safety of the rich through the enslaving of the poor Their solicitude is for the parasites and not for those who toil Those gentlemen sitting opposite me have betrayed the revolution and compromised with the rich and become survivors of the British and their new masters, the Americans Their independence is as faked as the Hindusthan Motors which are made in England and stamped "Hindusthan" in India Therefore all honour to Bengal which has upheld the traditions of free men, which has carried forward the traditions of Congressmen when they fought unto death against the Rowlatt Act and the Andersonian rule in Bengal in the past In Bengal most of the newspapers except the *Hindusthan Standard* and the *Ananda Bazar Patrika* have raised their protests against this measure of Government in spite of the fact that it is very difficult for them, for the editors themselves, to say what they like against the Government. Every College Union in Bengal has passed resolutions condemning this measure. Lakhs of people through meetings and demonstrations expressed their anger and indignation against it. The Government mobilised its armed forces; tear-gassed and fired at

our people; organised shows with Pandit Jawaharlal Nehru and Sardar Patel spending thousands of rupees; Dr. Syamaprasad Mookerjee of the Hindu Mahasabha, Sardar Baldev Singh and Dr. Rajendra Prasad were also summoned urgently to stem the democratic upsurge of our people. Where reasoning failed, the prestige of law was called for brow-beating our people into submission; and the last but not the least, the whole State machinery with its police, the Indian National Trade Union Congress and Government *goondas* were set in motion to terrorise the population which could not be lulled into sleep by the leaders' narcotic charm. Even today the terror continues in Beliaghata and Naikeldanga, but it must be remembered that in spite of the failure of the strike of 5th January last over a lakh of workers all over Bengal joined the political strike and demonstrated against this black Bill.

Mr. Deputy Speaker, Sir, the State is indeed in jeopardy from the people sitting opposite. All State secrets are being sold to the British and American imperialists, our secret service is being trained in England; the supreme organs of State power, the army and the navy, are being manned by our imperialist enemies, but arms are being distributed by their agents for perpetuating civil war inside India. In the name of liberty of our country and humanity, and in the interests of the welfare of our mothers, sisters, wives and children, let us trample on this dangerous decree, let us reject with abomination all the vicious laws of those gentlemen. Will Congressmen stand by calmly and permit this foul law to be added on the statute book? How long will they tolerate this monument of treachery and surrender which undermines the safety of the State? The battle is not ended. Experience and suffering are rudely awakening the people. They are closely watching the face of the leaders from whom the mask has fallen off. Bengal shall not rest till this shameful document of slavery is torn to pieces and this crime against society avenged. The war against the black Bill is a war for real freedom and complete break with the British and American Imperialists.

In conclusion, Sir, I would call upon the people of Bengal in this sacred struggle to remember a famous passage. Man's dearest possession is life and since it is given to him to live but once, let him so live as not to be seared with the shame of a trivial and cowardly past, so live as not to regret for years without purpose, so live that dying he can say "All my life and all my labour has been given to the finest cause in all the world—the liberation of mankind".

Shaik MOHAMAD RAFIQUE: Mr. Deputy Speaker, Sir, I have listened with patience to the speech of a prospective Minister and that has given me an idea how the Government of Bengal will be run in future.

Sir, before the proceedings end today, the West Bengal Security Bill which is most popularly known as *kala kanun* will be passed into law. Sir, it is amazing that the very people who shed their blood to resist aggression on their rights, civil liberties and rights of freedom of thought, expression and speech have, as soon as power was handed over to them after the 15th August, taken the first opportunity to launch an aggressive measure of a kind which vividly reminds us of the memories of British Raj in this country. Sir, this is not a new measure. As a Persian poet has said.

بہر رنگے کہ خواہی جامہ می پوش * من انداز قدت را می شناسم

"In whatever guise you may come, I know you by your stature."

Sir, we all know that the provisions of this Bill can be found in the Rowlatt Act. We all know the provisions and clauses of this Bill can be found in the Safety Bill which was introduced in the Indian Legislative Assembly and we also know the disturbances, the losses of lives which took

place after these Bills were introduced. So, for us this is no new measure. It is only a measure to retain the powers which the Britishers wanted to retain and which the present Government want to retain so that other people may not come in and unseat them and take power in their hands.

Sir, public opposition and public resentment have been fully demonstrated in the province. Meetings have been held, presided over by leaders of public opinion and though the Ministry did not think it necessary to give any time for the expression of public opinion by referring this Bill for public opinion, even then, Sir, whatever time was available, the public has expressed its opinion and the opinion was all against the enactment of this measure. If there had not been opposition in this House which could be felt and opposition which could be effectively demonstrated, it is because the Opposition is in a microscopic minority, a minority which will continue to be till new election takes place After the transfer of power if election had taken place, perhaps we would have found a different set of people sitting on the Government benches. It is for this reason that you do not find effective opposition in this House. So long as this remnant of the Muslim League Party consisting of only 8 or 10 members remain in opposition by itself, there cannot be any opposition to any measure, however bad it may be or however oppressive it may be, that the Government may bring in this House.

Sir, my friend has said that this Bill is only for a period of two years. Why two years? It would have been better if he had said that this Bill is only for such period till the election is over so that the party which is in power today is not unseated. It is intended that they may come again in numbers to be in a majority to occupy the ministerial benches. Otherwise, I do not see any sense in bringing forward this measure when it is not needed in a peaceful province. We have got measures, we have got Acts which are sufficient to cope with any kind of disturbance in this province Have we not got the Goondas Act—you can extern the *goondas*, you can intern them, you can put them in custody There will be no trouble in bringing into operation those Acts. Why is Government not taking recourse to those Acts? As a matter of fact, I know that many hundreds of *goondas* have been released. Instead of keeping them in jail so that they may not create disturbance, they have been let out, to justify the enactment of this measure.

It is a truism that particular people are meant for particular kinds of work. Churchill was meant to win the war As soon as the war was over, people found that there was no use of him left. They placed somebody who could march with the progress of time to lead the country forward toward prosperity so that they might improve and might regain what they had lost. Similarly, the Congress Party which has fought for the country's liberation has outlived its period of usefulness. It has done all it could. Now, the country wants a different set of people with different ideas and who can guide the country and command the respect of the world. Of course, we do not in any way despise these people, we do not in any way underrate their efforts to win freedom for us, but now their period of usefulness is over and it is not fair that they should still forcibly insist that they should lead the people even when their services are not wanted. A chance should be given to the people to elect their new representatives who, in their opinion, are competent to guide them and if, Sir, an opportunity——

Mr. DEPUTY SPEAKER: Your time is up.

Shaik MOHAMAD RAFIQUE: What is my time—5 minutes or 4 minutes?

Mr. DEPUTY SPEAKER: Your time is 5 minutes.

Shaik MOHAMAD RAFIQUE: May I know under what rule I am debarred from speaking any more?

Mr. DEPUTY SPEAKER: There is no question of rule. It has been agreed to by both parties.

Shaik MOHAMAD RAFIQUE: Then I withdraw whatever I have said. I could only touch the fringe of what I wanted to say.

Mr. DEPUTY SPEAKER: All right, you go on.

Shaikh MOHAMAD RAFIQUE: If the Government thinks that there is need for the enactment of such a measure, the proper course would have been to take the Opposition into confidence, to take every section of the House into confidence and place facts before justifying their action and introduction of the *kala kanoon*. None of us on this side of the House has ever been consulted—I do not know about my European, Anglo-Indian and Communist friends if they ever been consulted. The reasons which have been given by the Premier of Bengal are not convincing. He has not been able to convince us that a measure of this nature is necessary except the fact that they want to pass a Bill in vengeance as an Ordinance of this nature was in existence before they came to power. That is no reason. I say he has utterly failed to convince this House - must less the public outside—that a measure of this kind is necessary.

Sir, people who have criticised this Bill, who have opposed this Bill, have been criticised on the floor of this House. I think that is unfair because criticism of a speech should be made in presence of a man who has made that speech. I do not think it was fair on the part of any member to criticise a speech which was made in public. The proper course would have been to make speech in public against what has been said in public. I am glad to hear that members sitting opposite have admitted that this Bill is obnoxious. I hope, Sir,—as a matter of fact, I am convinced that when they leave the House, and go out of this Chamber precinct they themselves will be convinced that today they have passed an obnoxious measure which will go down in the history of West Bengal as a *kala kanun*. They themselves are conscious that there is no need of a measure of this nature and that as members of the party they have not the courage to speak out but to carry out the party mandate. I know directions have been received not from the Congress Committee in Bengal but from an outside directing body at Delhi that a measure of this kind should be enacted. I hope some day a better sense will prevail and the Act will be repealed long before its due date.

Sir, I feel that the proper course is not to have a measure of this kind, the proper course for the Government is to win the people by love, by persuasion, because it is not a foreign Government. It is a Government of our own, and it is our people whom we have to put right. It is only by a message of love and persuasion that we can bring them round. It is said that there are arms in the country. Who does not know that? The persons who possess tommy guns and bren guns are known to the Government. They are also known in the locality. It is by persuasion that they can be returned. The Premier told us during the riot "I will secure all these guns by asking the people to return the arms to the police, by persuasion and by a message of love". It is only by giving the young men a due share in the administration of the province that you can bring them round. Now that freedom is won, everybody is anxious to take part in the administration and if you shut the door and retain the power to yourself you will ask for more trouble from the young men who are entitled to have a share in the administration.

Janab MAHAMMAD SAYEED MIA: Mr. Deputy Speaker, Sir, we on this side of the House are totally opposed to the West Bengal Security Bill, because it seeks to interfere with the fundamental rights and liberty of the citizens of Bengal. The provisions of the Bill are so drastic, so repugnant and so dangerous in effect that they cannot be consciously supported or tolerated by any civilised people. The Bill intends to explode the universal

principle that no citizen can be detained in prison without trial. The Congress has all along fought during the British rule against all sorts of repressive and oppressive laws and illegal detention and punishment of innocent persons. The same Congress leaders—the accredited fighters for liberty after the glorious achievement of freedom of our country—have now thought it fit and right to encroach upon the liberty of their fellow countrymen on the mere pretext of maintenance of public peace and safety and stability of the province. The Congress leaders after gaining powers and sitting at the helm of the administration have forgot the past, lost their balance of mind and now choose to come forward with this black Bill, because they smell imaginary dangers and apprehend troubles throughout the length and breadth of the country, where peace and harmony is reigning by the grace of God and no kind of big riots or disturbances are apprehended or reported from any district of Bengal. If there is any such case, the present existing law is sufficient to deal with the situation. After the dawn of freedom in this country it was reasonably expected of the Congress leaders that they would begin well with some of their declared constructive programmes and sponsor in this House some such important Bills as could have led to enhance the welfare, progress and prosperity of the long-exploited and impoverished people of Bengal. But they have disappointed the country in this respect. It is most regrettable that when some members on this side spoke something objecting to the provisions of the Bill, the members on the Government side would say "why are you so much perturbed"? It is because we have grave doubts and misgivings that the executive authorities and the police officers who are invested with such unfettered and unlimited powers for arrest and detention without trial will, as has been experienced in the past, misuse or abuse these powers and there is every possibility that the Bill will do incalculable mischiefs to the people in general for whose interest it is being hurried through the Legislature. It is all the more deplorable that even the most reasonable amendments of the Opposition were not accepted by the Government Party. Our popular Prime Minister has more than once said that the provisions of the Bill will be applied in extraordinary circumstances and will be sparingly used; but he has overlooked or forgot the fact that he is arming with undue powers the same bureaucratic executive and police machinery of the past British Rule which has not yet changed its old policy or attitude towards the people and even after the attainment of freedom and inauguration of this popular Government, the higher executive and police authorities are seen to fully rely on the exaggerated onesided reports of the lower grade police officers and pass hasty orders for arrest and detention in prison without trial, without caring to hear or enquire into the true allegations and legitimate grievances of the aggrieved innocent persons. How recklessly and thoughtlessly the law can be misused by the executive has been proved in a very recent Allahabad High Court case. The District Magistrate of Kanpur passed orders of detention in October, 1947, under an Ordinance which was no longer in existence since March, 1947. The eminent High Court Judge has observed that where the liberty of the subject is being taken away without any trial, it is necessary that the executive authorities should exercise utmost care and caution and there should not be formal defects or mistakes in their orders. The present Bill has made ample provision to deprive the liberty of an individual to detain him in prison and to punish him in every possible way. But the Bill has made no provision for the enquiry into the atrocious conduct of an executive officer and the police when they are found to misuse the law or unnecessarily harass a man or illegally detain him in prison. In this connection I cannot but refer to the reckless police firings and mass arrests and other police atrocities that were perpetrated on the Muslims of Malda. Our definite conviction is that that firings by the police and consequent loss of valuable lives could have been avoided if the situation had been tactfully handled by responsible leaders and high officials. Our considered opinion

is that the police should not have been allowed to deal recklessly with the life, liberty and honour and prestige of the people. I appeal to the Hon'ble the Chief Minister to withdraw all the cases due to the police firing in Malda and thereby infuse a sense of security into the heart of Malda Muslims.

Janab MOLLA MOHAMMAD ABDUL HALIM: Mr Deputy Speaker, Sir, the Security Bill will soon be passed into an Act and the controversy raised over it will end but the sting will be there. The sweeping provisions of the Bill are certainly a menace to civil liberty in the hands of unscrupulous officers and particularly the police. This Act may serve as a pliant tool to harass and oppress even the honest and law-abiding citizens in all possible ways. Top-ranking Congress leaders occupying highest positions of honour and responsibility have expressed doubts in no uncertain terms about the allegiance of the minority in the Indian Dominion and that in spite of solemn affirmation by the minority of their allegiance to the State. In this atmosphere of doubt and distrust it is no wonder that the minority feels nervous and panicky. Unwarranted police firing at Patuabhanga, Nabadwip, resulting in 6 or 7 killed and many more injured followed up by heavy arrests from one community only and rounding up of Muslim League leaders at Murshidabad on mere suspicion had a very demoralising effect and produced a general sense of insecurity among the minority community in West Bengal. We demanded public enquiry into the police firing at Patuabhanga but it was a cry in the wilderness. May we hope that the promise given by the Hon'ble the Chief Minister to personally look into the matter will be kept?

Sir, with the dawn of August 15 last communal discord should have been a thing of the past, but unfortunately to our utter shame it still stalks the land. Now the question is what is the remedy. I think the remedy lies much more in the hands of the majority community than elsewhere. I request the honourable members of the Treasury Benches to have a little of self-retrospection and try to rule by love. Love begets love; you love me and I love you, and Mahatma Gandhi's dream will be a reality. There will be Ram Raj or kingdom of heaven on earth.

Sir, before I conclude let me remind the House of the advice of Mahatma Gandhi not to doubt the allegiance of the minority unless and until anything to the contrary is found. This, I think, will go a long way towards solving the minority problem that confronts the Government. Doubt and distrust have been allowed to cause enough mischief. Let us now cry halt and march forward in love, peace and harmony on the path of Swaraj.

Sri NIKUNJA BEHARI MAITI: ডেপুটি স্পীকার মহোদয়, এর পূর্বে আমাদের যে সমস্ত বন্ধু এই বিলের বিরোধিতা করে বলে গেছেন, তাঁদের ভিতর দিয়ে এই কথাই পরিষ্কার হয়েছে। তাঁরা বলেছেন যে time is very hard এবং civil liberty থাকা ও State-এর safety থাকা দরকার, এ সব কথা তাঁরা স্বীকার করেছেন। এমন কি আমাদের কমিউনিস্ট সদস্য মিঃ জ্যোতি বসুও তা অস্বীকার করেননি। কিন্তু বিরোধীরা বলছেন যে এই আইনের প্রয়োজনীয়তা বর্তমান সময়ে দেখা যাচ্ছে না। এবং সেই সঙ্গে শ্রীযুত জ্যোতি বোস ডাক্তার প্রফুল্ল ঘোষ সম্বন্ধে যে সমস্ত বিষয় উল্লেখ করেছেন, তার উল্লেখ করা সমীচীন বলে আমি মনে করি না। ডাক্তার প্রফুল্ল চন্দ্র ঘোষ আজীবন দেশের কাজ করে এসেছেন, অন্ততঃ এই দীর্ঘ ২৭ বৎসর ধরে। তিনি এখন পর্যন্ত যে বেশ পরিধান করে থাকেন, মিঃ জ্যোতি বসুর বেশ তার থেকে তফাৎ। মিঃ জ্যোতি বসু এখনও হাই কোর্টে যাতায়াত করেন। ডাঃ প্রফুল্ল ঘোষের অন্য কাজ নেই, দেশসেবা ছাড়া। আজকে—

Sri JYOTI BASU: Sir, on a point of order. উনি বলেছেন যে আমি High Court-এ যাতায়াত করি, কিন্তু আমি বলছি, আমি যাতায়াত করি না।

Sri NIKUNJA BEHARI MAITI: তিনি যাতায়াত করতে না পারেন, কিন্তু তিনি বার-এট-ল, এতে সন্দেহ নেই। এবং তাঁর প্রেরণা আসে বাহির থেকে—কোথায়

সুদূর রাশিয়া এবং তারপরে ইংলণ্ড থেকে। এবং সেখান থেকে যে প্রেরণা আসে সেটা কৃত্রিম শ্রেণীর প্রেরণা। ডাঃ প্রফুল্ল ঘোষের প্রেরণা তাঁর থেকে ঢের বেশী বড় ও মহান। বহু হাজার বৎসর থেকে যে আদর্শ আমাদের শাস্ত্রে, আমাদের ধর্ম্মগ্রন্থে লেখা আছে, তার থেকে প্রেরণা আসছে ডাঃ প্রফুল্ল ঘোষের। কাজেই যখন এই কথা বলা হয় যে তিনি যদি আজ চলে যান, তার জন্য কোন দুঃখ নেই, সেটা অত্যন্ত অসঙ্গত ও অশোভন হবে। তিনি যদি আজ প্রাইম মিনিষ্টার পদ থেকে চলেই যান, তিনি যাবেন দেশের প্রতি মহান কর্ত্তব্যের আহ্বানে এবং তার অতুল ত্যাগস্বীকারের ফলে তিনি আরও উচ্চতর কর্ম্মক্ষেত্রে যাবেন। এবং সেইজন্যই তিনি কংগ্রেস ওয়ার্কিং কমিটির সদস্য গৃহীত হয়েছেন। কাজেই এই সর্ব্বজনপ্রিয় দেশপ্রেমিক সম্বন্ধে এসব কথা মোটেই সঙ্গত হয়নি। আজ এই আইন সম্বন্ধে যাঁরা বিরোধিতা করছেন, তাঁদের বিরোধিতার মূলে আছে এই কথা যে তাঁরা দেখতে চান না যে আমাদের দেশের স্বাধীনতা বজায় থাকে---বিশেষ করে, আমার বন্ধু, এখানকার কমিউনিষ্ট সদস্য। যখন ১৯৪২ সালেতে ডাঃ প্রফুল্ল চন্দ্র ঘোষ এবং আরও এদিকের অনেক সদস্য জেলে গিয়েছিলেন, তখন তাঁরা অম্লানবদনে, অকুণ্ঠিতচিত্তে এবং হাসিমুখে তখনকার গভর্ণমেণ্টকে সাহায্য করেছিলেন। (A VOICE: Deputy Speaker, Sir, মাননীয় সদস্য কি এই বিলের সম্বন্ধে বলছেন ?)

Mr. DEPUTY SPEAKER: আপনি এই বিল সম্বন্ধে বলুন।

Sri NIKUNJA BEHARI MAITI: আমি এই বিল সম্বন্ধেই বলছি, কিন্তু এঁদের মুখোসটা খুলে দিতে চাই।

Sri JYOTI BASU: আপনি বিলটা পড়ে দেখেন নাই।

Sri NIKUNJA BEHARI MAITI: আজ যাঁরা বিলের বিরোধিতা করছেন, তাঁরা দেশপ্রেমিকের একটা মুখোস পরেছেন, সেই মুখোস যত শীঘ্র খুলে যায়, দেশের পক্ষে ততই মঙ্গল কারণ দেশপ্রেম একে বলা যায় না। একদিনেই, কেবল মুখের কথায় কিষাণ-মজদুরদের এক অদ্ভুত উন্নতি গড়ে তুলতে চাওয়া—একে প্রকৃত দেশপ্রেম বলব না—এটা কাঁচা দেশপ্রেম। এটা তাঁদের হজম হয়নি; হজম হলে একথা তাঁরা বলতেন না। দেশপ্রেম হজম হয়েছে এক জনের যিনি আজ উপবাস করে রয়েছেন দেশের কল্যাণের জন্য, নবলব্ধ দেশের স্বাধীনতা রক্ষা করার জন্য। খাঁটি দেশপ্রেম তাঁদের সেখান থেকে শিক্ষা করা উচিত। আজ আমাদের ষ্টেট স্বাধীন রাষ্ট্রকে রক্ষা করতে হবে। আমরা আজ স্বাধীনতা পেয়েছি। এই স্বাধীনতার জন্য আমরা লড়াই করেছি। এবং এই স্বাধীনতা আমরা আজ রক্ষা করতে চাই। যারা অপকার করতে চায়, তাদের অপচেষ্টা থেকে, যারা দেশের স্বাধীনতা রক্ষা করতে চায়, যারা সেইজন্য লড়াই করতে চায়, তাদের বিরুদ্ধে এই আইন প্রয়োগ হবে না, এটা প্রধান মন্ত্রী পুনঃপুনঃ বলেছেন। কিন্তু বিরুদ্ধবাদীরা সেটা প্রণিধান না করে দেশের লোককে ভ্রান্ত পথে পরিচালিত করতে চেষ্টা করছেন। এটা প্রয়োগ হবে তাদের বিরুদ্ধে যারা এই শিশু স্বাধীনতাকে বলি দিতে চায়। আমার বন্ধু মুদাসসির হোসেন সাহেব বলেছেন নির্ব্বাচনের কথা। আমরা তাঁর সেই আহ্বান আনন্দসহকারে গ্রহণ করতে প্রস্তুত আছি। চলুন, কোথায় যেতে হবে। সেই আহ্বানের জন্য আমরা প্রস্তুত আছি। আমরা জানি জনসাধারণের মত ও ইচ্ছা এবং জানি বলেই আজ নির্ব্বিঘ্নে এই বিল পাশ হয়ে যাচ্ছে। কয়েকজন এখান থেকে সেখান থেকে কিছু লোক সংগ্রহ করে হল্লা করলেই তাকে জনসাধারণের সমর্থন বলা চলে না। সেইরকম হল্লা যে কোন ব্যক্তি যে কোন সময়ে করতে পারে। সেটা দেশের সর্ব্বসাধারণের মনোভাবের indication বা ইঙ্গিত এ কথা বলা যায় না। গণতন্ত্রসম্মত বৈধ বিরোধিতা অবশ্য গ্রহণযোগ্য যেমন এই বিলে করা হচ্ছে। পুনঃপুনঃ ডিভিজন ডাকা হয়েছে এবং পুনঃপুনঃ আমরা বেরিয়ে গিয়েছি ও ভিতরে এসেছি। কাজেই এই যে গণতন্ত্রসম্মত পথ রয়েছে, যদি এই গভর্ণমেণ্ট থেকে ক্ষমতা নিতেই হয়, তবে এই বৈধ পথ ধরে সেই ক্ষমতা নেওয়া উচিত। দেশের সর্ব্বত্র, গ্রামে নগরে গিয়ে প্রচার করুন, এই আইনটা খুব খারাপ এবং হাটে ঘাটে মাঠে সকলকে বলুন, তাঁরা যেন এর পক্ষে ভোট না দেন। আমরা তার জন্য প্রস্তুত আছি। এবং তাঁরা যদি সেখানে জয়যুক্ত হন, এই আইন একদিনও টিকবে না। কিন্তু তা যদি না হন, তাহলে বুঝতে হবে, এই আইনের সার্থকতা রয়েছে। এই আইন আনছে কংগ্রেসের নেতৃস্থানীয় ব্যক্তি ও কংগ্রেসকর্ম্মীরা। কারণ তাঁরা মনে করেন এই আইনের আবশ্যকতা রয়েছে। এই আইনের প্রয়োগ হবে, তাঁদের বিরুদ্ধে, যাঁরা রাষ্ট্রের বিরোধী কাজ করবেন। যে সমস্ত মুসলমান বন্ধু এখানে আছেন তাঁদের কাছে গান্ধীজি আবেদন করেছেন। আমরা চাই, এই ইউনিয়নের ভিতর সমস্ত ব্যক্তি, যে

কোন ধর্ম্মমতের হোক না কেন সকলেই equal rights বা সমান অধিকার ও civil liberty বা পৌর স্বাধীনতা পান। আমরা হিন্দু মুসলমান, খৃষ্টান, পার্শী, বৌদ্ধ প্রভৃতির মধ্যে কোন বিভেদ রাখতে চাই না। আজ দেশে যে দ্বন্দ্বের সৃষ্টি, সেই দ্বন্দ্বের সৃষ্টি সাম্প্রদায়িকতার জন্য হয়েছে। কিন্তু কংগ্রেস সাম্প্রদায়িকতা মানে না। সেইজন্য কংগ্রেস গভর্ণমেণ্ট এটা দূর করতে বদ্ধপরিকর। ভারতীয় ইউনিয়নে সকলেরই সমান অধিকার—তিনি হিন্দুই হোন বা খৃষ্টান, মুসলমান, পার্শী, বৌদ্ধ যাই হোন না কেন। এইজন্য আমরা দেখতে পাই যে খৃষ্টান হয়েও সার মহারাজ সিং বোম্বের গভর্ণর নিযুক্ত হয়েছেন। কংগ্রেসের নীতি হচ্ছে—কোন সম্প্রদায় বিশেষের জন্য কিছু করা নয়—সমস্ত মানুষের সমান অধিকারের জন্য চেষ্টা করা। কাজেই এই বিল কোন সম্প্রদায়ের বিরুদ্ধে নয়; যে কোন ব্যক্তি রাষ্ট্রের বিরুদ্ধে যাবে, তার বিরুদ্ধে প্রযুক্ত হবে।

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

Sri NIKUNJA BEHARI MAITI: মাননীয় ডেপুটি স্পীকার মহাশয়, আমি এই কথা বলছিলাম যে সকলে স্বীকার করছেন যে সময় অত্যন্ত খারাপ যদিও শান্তি বাহ্যতঃ দেখা যাচ্ছে—কিন্তু তবু তাঁরা স্বীকার করেন না যে এই রকম আইনের আবশ্যকতা রয়েছে। আমরা, যাঁরা স্বাধীনতার জন্য লড়াই করেছি, আমাদের শ্রেষ্ঠ ব্যক্তি যাঁরা তাঁরা মনে করেন এই রকম আইনের আবশ্যকতা রয়েছে। পণ্ডিত জহরলাল নেহরু ও সর্দ্দার বল্লভভাই প্যাটেলের মত লোক তাঁরা বলেছেন যে এই রকম আইনের আবশ্যকতা রয়েছে এবং অন্যান্য প্রদেশেও এই রকম আইন রয়েছে। এবং আমরাও দেখতে পাচ্ছি যে এই রকম আইনের আবশ্যকতা এই প্রদেশেও রয়েছে। যাঁরা আমাদের এই শিশু স্টেটকে রক্ষা করতে চান, তাঁদের পক্ষে এই আইন থেকে ভয় পাবার কোন কারণ নাই। কারণ তাঁরা স্বাধীনতা রক্ষা করতে চান। এই আইন প্রযুক্ত হবে কেবল তাঁদের বিরুদ্ধে যাঁরা এই কষ্টলব্ধ স্বাধীনতাকে বিপন্ন করতে চান। কোন রাজনৈতিক দলের বিরুদ্ধে এই আইনের প্রয়োগ হবে না। আমাদের প্রধান মন্ত্রী মহাশয় পুনঃপুনঃ বলেছেন যে এই আইন মাত্র এক বৎসরকাল স্থায়ী হবে এবং আবশ্যক হ'লে আর এক বৎসরকাল এর মেয়াদ বাড়ান হবে।

আগে যে আইন ছিল তারচেয়ে এটা অপেক্ষাকৃত নরম হয়েছে এবং কাঠিন্য অনেকখানি এই আইনে পরিত্যক্ত হয়েছে এবং শুধু তাই নয় যে এক সঙ্গে পশ্চিম বঙ্গের সর্ব্বত্র এই আইনের প্রয়োগ হবে না, এই আইন যখন যেখানে আবশ্যক হবে তখন সেখানে প্রয়োগ হবে। সুতরাং যাঁরা দেশের স্বাধীনতা রক্ষা করতে চান, যাঁরা ব্যক্তিস্বাধীনতা চান, তাঁদের এই আইন থেকে ভয়ের কোন কারণ নাই। কিন্তু ব্যক্তিগত স্বাধীনতার নাম ক'রে যাঁরা এই রাষ্ট্রকে উল্টিয়ে দিতে চান, তাঁদের পক্ষে অবশ্য ভয়ের কারণ আছে। আজকে যদি সাম্প্রদায়িকতা আমাদের দেশ থেকে চলে যায়, সাম্প্রদায়িকতার নামে এই রাষ্ট্রকে উল্টাতে না চায়, তাহ'লে এই আইন নিশ্চয় প্রয়োগ হবে না। কংগ্রেস পুনঃপুনঃ বলেছে যে সাম্প্রদায়িকতা আমাদের পরিত্যাগ করতে হবে। আমাদের সর্ব্বসম্প্রদায়ের লোকের যাতে সমানভাবে উন্নতি হয় সেই হচ্ছে কংগ্রেসের উদ্দেশ্য এবং সেইজন্যই বরাবর কংগ্রেস কাজ করে আসছে। তাছাড়া আজ যাঁরা আমাদের দেশে আর্থিক সাম্য আনতে চান, তাঁরা যদি শ্রেণীসংঘর্ষ তৈরী না করে fishing in troubled waterএর পথ ছেড়ে দিয়ে আর্থিক সাম্য আনতে চান, এই আইন নিশ্চয়ই তাঁদের বিরুদ্ধে প্রয়োগ হবে না। কিন্তু কোন ব্যক্তি বা কোন দল অস্ত্রশস্ত্র সংগ্রহ ক'রে এই রাষ্ট্রের স্বাধীনতাকে বিপন্ন করতে চাইলে, এই আইন অবশ্যই তাদের বিরুদ্ধে প্রযুক্ত হওয়া উচিত। সকল দিক বিবেচনা করে আপনাদের এই আইনকে গ্রহণ করা উচিত। সুতরাং আমি এই বিলের সম্পূর্ণ সমর্থন করছি এবং ডক্টর ঘোষ সাহসপূর্ব্বক যে এই বিল আনয়ন করেছেন তার জন্য তাঁকে ধন্যবাদ দিচ্ছি।

Janab MD. KHUDA BUKHSH: Mr. Deputy Speaker, Sir, on the day this Bill was presented to the House I remarked that it was in most parts a replica of a measure that the Muslim League Government of undivided Bengal found it necessary to pass. When these Ordinances were laid before the House, honourable members who now constitute Government made speeches in fire-eating language, condemned them roundly, imputed all manner of motives to and levelled fantastic charges against Government.

Sir, we did not emulate our worthy predecessors because our party having long been associated with the Government of this country realised that at times of stress and emergency Government have to assume special powers. Sir, in this connection, if I am permitted to say so, in this wretched business of governing the country a Government has to anticipate difficulties and provide against them in advance. Indeed, Sir, the success or otherwise of Government depends largely on its ability to anticipate administrative difficulties. The honourable members who now constitute Government and who before their transformation were almost perpetually in opposition could never see the necessity of Ordinances or of special powers and were therefore the loudest in their condemnation. I hope, Sir, they will now realise that the Muslim League Government in taking away the liberties of citizens were inspired by the same noble motives as inspire the present Government who have also felt constrained—to quote Mr. Bimal Chandrá Sinha—to inflict an Ordinance Raj on Bengal.

Sir, the Bill has undergone some changes in some unimportant particulars since its introduction in the House. Powers that seemed necessary when the Ordinance was promulgated are not considered necessary now. Sir, this is a happy sign, but powers that have been retained are wide and sweeping enough to cause serious misgivings in the minds of lovers of individual liberty and freedom.

Sir, the people of Bengal are determined to eschew communal violence and they are united to a man to safeguard the stability of the province both from internal disruption and external aggression. There is an abundant proof of this wherever you care to look, Sir, and yet the Hon'ble Prime Minister has chosen to utter the warning that we are sitting on the edge of a volcano. Dr. Bidhan Chandra Roy, an eminently mature—and I must say—also an extremely astute politician has cautioned us in his speech the other day that we should not judge this measure in an atmosphere of unreality. Sir, this advice is eminently sound. Because there is suspicion, distrust, racial and political antagonism rampant elsewhere we must not conclude that those evil forces are at work in this province. I submit, Sir, that that would be judging this measure in an atmosphere of unreality.

Sir, whether a particular Ministry is sitting on the edge of a volcano is of little consequence or whether a particular political party is sitting on the edge of a volcano is of little consequence. What we must consider and consider seriously is whether the society is sitting on the edge of a volcano or is in danger of disruption; then and only then would there be need of special powers to secure the stability of society. The Government have not been able to make out a convincing case that these special powers are at all necessary. Perhaps the Government have a case but have chosen not to take the country into their confidence. The Hon'ble Prime Minister has given a solemn promise that the powers shall not be abused and will only be invoked when the existing laws are found insufficient.

Sir, we are now a free people with a popular Government in office, and we should have thought that the Government would take the people into their confidence before seeking to arm themselves with powers that might constitute the very negation of freedom. Sir, we were so long a subject nation and every move, every measure initiated by Government under the British regime was suspected, and powers we would never have conceded willingly to those Governments we would cheerfully give to our own when we are satisfied that our Government need them. Sir, it is exactly this feeling that is wanting in the present instance and the nation is voicing its resentment through public meetings, and as long as the Government are not able to convince the country of the necessity of these special powers the resentment will grow in volume and in intensity.

Sir, the nation has been taken by surprise by this Government. Going back to the solemn assurance given by the Hon'ble Premier that the powers

will not be abused and that due caution shall be exercised before persons are detained without trial, I have got incontrovertible proof that whatever may be the Premier's personal views and convictions he can certainly not speak for the party he leads today. As for instance, I will refer to the amendment in clause 35 standing in the name of Sri A. K. Ghose and moved by Mr. Bimal Chandra Sinha where the words and figures "except sections 16 and 17" were sought to be deleted. You will observe, Sir, that this was a recommendation by the Select Committee where Mr. A. K. Ghose was also present on special invitation. Mr. J. C. Gupta—I hope he is here—will bear me out.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: On a point of order, Sir. Is he at liberty to give out the secrets of the Select Committee?

Mr. DEPUTY SPEAKER: No, he cannot.

Janab MD. KHUDA BUKHSH: I submit, Sir, that I am not giving out any secrets. If you carefully look into the Bill you will find that I am referring only to that portion of the proceedings which is underlined and which indicates the recommendations of the Select Committee. It will also show that Dr. Ghosh who presided over that Select Committee accepted the recommendation. I am referring to what has appeared in print in the book form. I hope, Sir, that you will rule that point of order as out of order.

Mr. DEPUTY SPEAKER: I do not know what were the deliberations of the Select Committee.

Janab MD. KHUDA BUKHSH: I would again request Dr. Ghosh to point out in what particulars I have transgressed. I hope I have not violated any secrets placed in my keeping in the Select Committee, because I still maintain that I have not divulged any secrets. I have only referred to that portion of the Select Committee minutes which has been underlined and, I hope, published under your authority.

I hope Mr. J. C. Gupta will bear me out that it was the unanimous sense of the Select Committee that the power of detaining persons should remain in the exclusive possession of the Chief Minister and should not be delegated to subordinate officers. That was agreed to by Dr. Ghosh, presumably on behalf of his party. But what do we see now? His party refused to be committed by him and obliged him to go back on his words and that important safeguard was not allowed to be incorporated in the body of the Bill. Sir, Dr. Ghosh had to take all the criticisms and odium about this Bill and now that it is going to be put on the statute book he has been given marching orders, and that by the party on whose behalf he was speaking. He has been utilized by the party to secure the passage of this Bill, and in order that the party may be left with unfettered possession and use of this Bill he has been conveniently shunted out, so that his assurances and the influence of his personality may not embarrass the party in its mad career of destruction of people's liberty and freedom and of rival political institutions, in its mad career of suppressing all labour movements in the country. Whenever this side rose to move amendments in its sincere wish to improve the Bill, members of the Government benches chose to refer to loyalty and allegiance in no uncertain terms. Members of the Opposition yield to none in their zeal for the safety and stability of the country. The country belongs as much to members of the Government as well as to the members of the Opposition; and the sooner the Government benches abjure the use of such insinuating phraseology, the sooner the cries that enthuse the Government to arm itself with special powers shall disappear. Arming the Government with these powers may lead to arming the subordinate

officers. On their being able to establish their *bona fides* we would perhaps be prepared to grant them these powers, but I would ask them to use them only for the protection of the society and not to secure advantages.

Before I resume my seat, I may reiterate my appeal to Government that Government will arm themselves with preventive as well as curative measures to combat all manner of social disorders. I agree with Dr. P. C. Ghosh that prevention is better than cure, but I may sound a note of warning that overdoses of preventive measures may do permanent injury to the body politic. I would request Government that before declaring any epidemic and prescribing quarantine regulations the Government should consult and take public opinion into its confidence and should not proceed to take precipitate action on unfounded and groundless rumours as it did in the case of Murshidabad, and to pursue this simile I would ask that such preventive methods may not be accessible to inexperienced hands but should be made available to qualified practitioners.

Janab ABDUR RAHMAN SIDDIQI: Mr. Deputy Speaker, Sir, before I express my views on the third reading of this very ugly Bill, may I most respectfully draw your attention to a constitutional aspect of our proceedings in this House? The Chair, Sir, is the custodian of the rights and privileges of the House, but there is also a convention that the Chair should extend its kindness and generosity to the minority so that the Government may not crush it and pulverise it. Having said that, Sir, I hope we shall receive greater kindness from the Chair than has been extended so far.

I am wondering, Sir, if the Hon'ble the Premier was happy at the support he got from members of his party for this Bill. There is a Persian proverb: مدعی سست گواه چست, that is, the claimant is silent but the witness is shouting a lot. That seems to be the practice in the House these days. The Hon'ble the Premier stuck to raillery, contempt, wit and humour and tried to silence the Opposition laughingly but I wish he had also issued instructions to his supporters not to spoil the good case that he was trying to make before the House. Bad advocacy, Mr Deputy Speaker, Sir, sometimes spoils even a good case. Here the case was bad and it has been made worse by enthusiastic members of the party who intoxicated with the majority with them were anxious to show that they, like the proverbial canine member of the party, under the cart, were carrying the whole load of the responsibility for the administration of this province.

Sir, I enjoyed the speech of the honourable member for 24-Parganas South-East. He has a long road before him and I am hoping that in time he will learn the art of debate and he will also learn the superior finesse of crossing swords. I will give him time—perhaps 10 years—to get into his stride. It was surprising, Sir, that none of the gentlemen opposite felt that the honourable the Communist member who fought a gallant and lonely fight in this House was being treated rather harshly and meagrely by one of the supporters of the Hon'ble the Premier.

Sir, you followed his speeches and the amendments he proposed and you will agree that he did not deserve the treatment he was given. I paid my homage to his courage, I paid my homage to his fighting capacity and I felt that although I did not agree with his outlook and I did not agree with his ideology, he did deserve support for his courage, support for the manly way in which he stood up and fought his lonely battle. We should not bring vindictiveness, we should not bring enmity and poison in our debates. An effort to bring the Opposition and the Government together and nearer on fundamental principles would perhaps be a better policy for the Hon'ble the Premier and his colleagues than to allow their smaller supporters to indulge in language, phraseology and argument which do nobody any good.

I am, Sir, speaking under a depression. Changing horses in midstream is a dangerous thing. Sir, I feel that the Hon'ble the Premier in his heart

of hearts feels as angry and as sad about this Bill as I do. I have to go back on principles of a political career of almost forty years if I support it. The honourable younger members of the House may consider a Muslim to be a traitor, may consider a Muslim to be unworthy of even being a good servant of the country, but the senior members of the Government Party should realise that the Muslim alone understands the full significance of democracy and socialism. The caste system means inequality. The caste system means exclusiveness. How can a Muslim be anything but a democrat? And this being the fact, Sir, it is surprising that incorrect argument and totally incorrect facts have been placed before the House in order to create an atmosphere of great unfriendliness. Imagine, Sir, the members of the Select Committee trying to claim credit for changing the name of the Bill! Whether it was "Special Powers" or whether the camouflaged word "Security" was brought in, the Select Committee very proudly says to its great shame that there has been no material alteration in the Bill. The actual words are "We do not consider the Bill to have been so materially altered as to require republication". Sir, out of so many recommendations most of them are "verbal changes" and "consequential changes". Why then try to inflict upon us a legal jugglery by saying that "we have altered the whole outlook of the Bill, we stand here as champions of liberty, champions of equality, champions of civil liberties and the rights of the citizen", when everyone of them is ashamed of supporting this Bill. This Bill, Sir, as I said in one of my utterances in this House, is a pernicious Bill because it puts on the Statute Book Ordinances intended for war time. That is not all, Mr Deputy Speaker. Every known law in the country which we had called reactionary in the old days has been delved into and sections brought in from them wholesale and even the shadows of Regulation III of 1818 are to be found in this wretched Bill.

Sir, I feel that this is not fair to the House. This is not the development of our position from a British Dependency to a British Dominion. Liberty does not exist and I challenge any member opposite there to declare that we are not yet a Dominion of His Majesty the King George VI of Great Britain and Northern Ireland. Why then take credit for things which really do not exist. Paradoxical as it might appear to you, I was hoping to support this Bill, but whether I support it or whether I do not, I know it is going to be on the Statute Book. We are the orphans of the storm of nationalism, of liberty, of freedom, and whatever other words are used to describe our newly acquired status. We had begun to feel that we could rely upon the Hon'ble the Premier. We had felt that he had tried to be just and that he had extended to us his protection on occasions and he had tried according to his light, to judge our difficulties also. The Government, Sir, is in the position of a judge when it accepts office. The Government should not be partisan and the Government should try, as far as possible, to consider the viewpoints presented by even a wretched and small Opposition. Sir, every amendment proposed was rejected in a spirit of levity, in a spirit of cantankerousness. We on this side are characterised as persons who create ghosts and who create devils and troubles where none exists. Sir, credit for statesmanship cannot be granted to a Ministry which had fear and funk in its heart and had to call the big guns from the Centre to support it. I do not know, Mr. Deputy Speaker, whether honourable members opposite really believe in the efficacy of this Bill or believe in the efficacy of orders from the Congress High Command in Delhi. The public did not want it, the intelligentsia did not want it and yet public opinion has been discarded and we are now hearing speeches which would have done credit to the most dried-up old I.C.S. bureaucrats. The language used such as "subversive acts" in place of "prejudicial acts" and so on made me laugh. Having been longer in the field I had grown accustomed to such language but it makes me sad to note that I have lived now to hear it from gentlemen who always opposed it.

Sir, as I have said I am anxious to give these unconscionably repressive powers to whatever Government comes into power. If the present Prime Minister has to go, whether it is through a political intrigue, whether it is due to what they call the *Bangal* and *Ghoti* controversy, or whether it is due to any other mischief, we shall have to put our faith in those that come after him. The citizen wants peace; the Muslim citizen wants peace and also safety and protection. The businessman too wants peace.

I heard honourable members referring to August, 16, 1946, and the gentlemen, Sir, are trying to remind us of that terrible date. But none referred to the I. N. A. troubles, none referred to the psychology that was created in this city of ours when law and order were disturbed. Sir, in order to correct the psychology of the younger members of the House may I point out that on August 16, the Home Member was a Muslim and the same gentleman was the Prime Minister. We held a meeting in the Maidan to explain the significance of the Direct Action Resolution passed by the Council of the All-India Muslim League. A lakh or a lakh and a half Muslims had gathered in the Maidan. It was in the month of Ramazan, the month of fasting, and so we held the meeting earlier in order that we might go back home and break our fast. (Interruptions from Government benches.) Mr. Deputy Speaker, Sir, I hope there is some honesty, there is some love of truth left in the minds of those who are disturbing my speech (Sri NIHARENDU DUTT-MAZUMDAR: A new apostle!) If the Muslims had felt that conditions were not safe they would not have left their wives and children at home to be slaughtered by people whose spokesmen stand up and talk today as if they had been champions of liberty and innocent as angels. August 16, Sir, shall remain as a day of sorrow and misery. Honourable members will realise, even at this late hour, that the Muslims had gathered in the Maidan. They were not in their houses where their women and children who were done to death. Sir, speaking with some knowledge and authority (Sri NIHARENDU DUTT-MAJUMDAR: You were a participant.) I declare on the floor of this House, and challenge any member to deny that there was not a pre-arranged conspiracy to take advantage of that meeting in the Maidan. I shall not go further. I hope God will show them the true light and I hope when they have seen the light they will try and bring some truth and friendliness into the picture so that——

(At this stage the blue light was lit.)

Mr. Deputy Speaker, Sir, I hope my earlier appeal to you when I began speaking will be listened to. That light irritates me and my eyes. You will kindly order the Secretary to put it out. I want to have my say and I believe under the rules of debate that light should not be lighted until I have resumed my seat.

Mr. DEPUTY SPEAKER: How long will you speak?

Janab ABDUR RAHMAN SIDDIQI: I do not know. I may speak for five hours, I may speak for five minutes; but if you want me to sit down I shall do so, not otherwise.

Mr. DEPUTY SPEAKER: I want to know your intention. How long will you speak?

Janab ABDUR RAHMAN SIDDIQI: I do not know and I cannot give you any time-limit. If you do not want me to speak I shall sit down, otherwise, Sir, let me continue. Sir, this is the point I tried to impress upon you in a most respectful manner, but if the Government is not prepared to listen to what comes out of our hearts, well we have got to sit down. Sir, before I do that I should like to make an appeal or two to the Hon'ble the Premier, not because he will be able to put them into action but he might graciously agree to convey them to his successor. That appeal, Sir, in the first place, is that having seen that the agitator-turned-statesman has failed all over the country a bit of margin for mistakes should

also be taken care of and written down in the list. The Hon'ble the Premier will kindly tell his successor that the agitator-statesman needs time to develop the spirit of just and good government. And if I am making that appeal to learned members opposite on the Government benches, the second part of my appeal will be that the police cannot become angels overnight. Their action will have to be watched vigilantly. They are the same old police and they will be able to play havoc with the people in spite of the best intentions of the Ministers as we have seen in the past.

The second appeal, Mr. Deputy Speaker, Sir, I wish to make which, I hope, the Premier will again convey to his successor, is that the punishments in this Bill are very heavy and that instructions will be sent round that the courts and Government officials will temper their punishments with mercy, because, Sir, the Bill is rather a difficult one to understand and the average citizen may not be able to wade through the quibbles and the jugglery of the draftsmen of the law department and the Select Committee.

The third appeal, Sir, which I wish to make, again to be conveyed to the coming Government, is that if possible it should try and restrict the operation of this Bill to a maximum period of six months, if it must have it on the Statute Book to save its prestige. Bringing in of this Bill, Mr. Deputy Speaker, Sir, proclaims, as loudly as one would like to hear a voice, that the Government feels unable to govern and control the activities of the public. It is a confession of weakness and my decision to support the Government was to help it get over this period of weakness, this period of government without knowing all the intricacies of governance and administration. That being so, Sir, could I respectfully urge upon the Premier to tell his successor that the sooner he removes this Bill from the Statute Book, the sooner will he be able to create confidence among his own followers as well as among the minorities that still exist in West Bengal? That, I think, Sir, will be statesmanship, that, I think, Sir, will lead to a better understanding between the Government and the Opposition. We were taunted, Sir, that we had not formed a regular Opposition, that we had no leader and that we were, more or less, a rebel group. That is not so, Sir. It does not encourage one to form an Opposition when he realises that anything he says is likely to be thrown back in his face as were all the amendments brought forward except those which were brought before the House by supporters of the Government. I understand their difficulty. I am out to help the Government, because good Government, if possible, will keep us safe and will keep us away from disturbances. That, Sir, is my appeal, or rather those, Sir, are my appeals and I hope they will receive fair and kindly consideration at the hands of those who are sitting there and those who will sit there soon. I do not know who will be the new Ministers, newspapers have given intelligent anticipations of certain likely candidates. I may appeal to them also that sitting in the House and talking tall may not lead to good Government. Let them develop the mentality to win over those whom they consider and call traitors and fifth columnists. Let them win over their hearts, if they can, even by giving them a bit more than they deserve according to their dues.

I have done, Sir. Our fate is sealed. Bengal will have to undergo the horrors of this Bill. But if this Bill brings us peace, if this Bill brings us friendship and safety, I am prepared to support it.

Mr. J. R. WALKER: Mr. Deputy Speaker, Sir, I had no intention of taking any part in this debate, but representing Commerce and Industry as my friend and I do I feel it is necessary that members of this House should know exactly where we stand.

We with all members of the House regret the need for this Bill, but recognise at the same time that in order to ensure stable condition at the present time it is necessary. We will support Government and will always support Government when measures are introduced to ensure the maintenance

of law and order. At the same time with all members of this House we look forward to the time when such measures will not be necessary in this province.

Janab ABUL HASHEM: Sir, before I speak, I would like to get an information from you. I would like to know whether any other member of the Opposition would speak afterwards, because it is the custom that the mover of the Bill speaks last.

Mr. DEPUTY SPEAKER: No other speaker after you. You are the last speaker from the Opposition.

Sri JYOTI BASU: Sir, I gave you the name of Mr Ratanlal Brahmin and said that he would speak for a few minutes

Mr. DEPUTY SPEAKER: I have not received it.

Sri JYOTI BASU: But I sent it up.

Mr. DEPUTY SPEAKER: All right, he can speak for 5 minutes.

Sri RATANLAL BRAHMIN: Deputy Speaker mahashaey! Mayen is aeen ko samarthan naheen kerta hoon, keon ke is men bohut truti hai, keon ke is men sadharan admi ke liey koie subista naheen hai. Sadharan admi per jo zulum hota hai, police ki taraf sey jo zulum hota hai is sey bachaney ke liey ap log koie aeen nahee laya Is liey hum log afsos kerte hain, hum logan ka asra tha ke abhi Sirkar Congress ka hua hai is men logan ka bharosa tha, ke gharib ke liey kuch hoga. Ap log wada kiya tha ke hum log mazdoor kisan ka raj banaenge, aur mazdoor, kisen ko sukhi banaenge, leken is men ek bhi naheen dhekte hain Khasker ke Darjeeling ke liey hum zor sey bolsakte hain, wahan ka hal hum jante hain, wahan saikara asee admi (80 per cent) cha bagan men kam kerte hain, aur unper police jo ji chahe zulum kerti hai, unko bachane ke liey aplog koie aeen naheen kiya

Hum ap ko yad delate hain ke Tashe ka cha bagan jo aj 9 mahiney sey bund hain, uske liey hum logan ney Sirkar sey mulakat kiya, magar kuch naheen hua. Sirkar idher bilkul dhiyan naheen deti hai Cha bagan men police jo itna atiachar kerti hai isko rokney ke liey Sirkar ne kiya kiya? Is sey is Sirkar per kiya bharosa hosakti hai? Khasker ke humko afsos hai ke yeh Government kisan ke liey bhi koie bandobust naheen kiya. Yeh sab aplog naheen dekhte hain bulke aplog police ko aur ziada sakti derahey hain Wahi police gharіban ko lathi marta hain aur aplog chup mar ke bhaithey hain. Meyen aplogan sey urz kerte hun ke aplog apney pahle wada ka khayal kijeay. Kiya wah sab wada mazdoor, kisan ko bahlaney ke liey tha na kiya? Yah to hum naheen jante hain. Mayen to kahunga ke apna ek tho bhi wada pura kijeay Jitna din jata hai Darjeeling men jati bhed bhi barhta jata hai, aur aplog kuch naheen kerte hain. Is liey hum is kala kanoon ka birodh kerte hain. Mahan Neta Mahatma Gandhiji bole hain ke aj hamarey Congress men jo barey barey M.L.A. huey hain aur jo afsar huey hain wah theek ruste per naheen chalte hain. Is liey Mahatma Gandhi ajibun unsun kei rahey hain. Aplog to boltey they ke Mahatma Gandhi bhagwan hain, leken unko bhagwan mante huey bhi unke bat ka khayal naheen kerte hain. Hum log bohut nichoo aey hain aur nichoo janey ka rasta naheen hai. Hum aplogon sey appeal kerte hain ke hamarey mulk ki gharibi ka kuch bandobust kijeay.

Janab ABUL HASHEM: শ্রীযুক্ত সহ-সভাপতি মহাশয়, অত্যন্ত বিশ্বস্ত সূত্রে অবগত হ'লাম যে সমুদ্র মন্থনের পরে আমাদের প্রধান মন্ত্রী, এই বিল যিনি উপস্থিত করেছেন, তাঁকে নীলকণ্ঠ করে সুধাভান্ড বণ্টনের সভায় যোগদান করবার জন্য আমাদের কংগ্রেস-বন্ধুরা অত্যন্ত অধীর হয়ে পড়েছেন। আশা করি তাঁরা সামান্য ধৈর্য্যধারণ করবেন। কারণ যথারীতি সুধাভান্ড বিতরণকার্য্য সমাধা হবে। আমি মনে করি আমরা আজকে একটা আগ্নেয়গিরির প্রান্তভাগে দাঁড়িয়ে

আছি। কারণ এই নিরাপত্তা আইন, যা আজকে পাশ হতে চলেছে, কয়েক মিনিটের মধ্যেই যেটা আইনে পরিণত হবে, সেই বিল কালবৈশাখীর পশ্চিম আকাশে একখণ্ড ছোট কালো মেঘের মত এই কালো আইন ভারতের ভবিষ্যৎ উচ্ছৃঙ্খলতা এবং বিরাট বিপ্লবের অগ্রদূত। এই আইন বাংলায় শান্তি স্থাপনের উদ্দেশ্যে আনা হয়েছে বলা হয়েছে। কিন্তু যা বলেছি—আমাদের সত্যিকারের আশঙ্কা—এই বিলই যতপ্রকার উচ্ছৃঙ্খলতা ও অনাচারকে সাদরে আহ্বান করে নিয়ে আসবার ব্যবস্থা করবে।

মহামান্য ইংল্যাণ্ডাধিপতির ভারতীয় ডোমিনিয়নের প্রথম প্রধান মন্ত্রী পণ্ডিত জহরলাল নেহরু যখন কলিকাতায় এসেছিলেন, তখন সাংবাদিক সম্মেলনেতে পরিষ্কার করে তিনি ঘোষণা করেছিলেন যে এই বিল তিনি যদিও পড়েন নাই, তবু একে সমর্থন করেন। যেহেতু বাংলার প্রধান মন্ত্রী মাননীয় ডাঃ প্রফুল্ল চন্দ্র ঘোষকে তিনি বিলক্ষণ জানেন, সেই কারণেই তিনি বিশ্বাস করেন যে এই বিলের দ্বারা কোন অবিচার ও অনাচার হবে না কিংবা কোন অন্যায় প্রয়োগ হবে না। এই আশ্বাস দিয়ে তিনি বিলটিকে সমর্থন করেছেন। কিন্তু আজ আমরা এখানে অনেক বক্তার মুখে, বাইরে ও সংবাদপত্রে জানতে পেরেছি যে যিনি এই বিল উপস্থাপিত করেছেন এবং অত্যন্ত সহিষ্ণুতার সঙ্গে এই বিলকে পার করেছেন, তিনি হয়ত থাকবেন না এর প্রয়োগ করবার কাজে। সুতরাং শ্রদ্ধেয় পণ্ডিত জহরলাল নেহরুর সবচেয়ে বড় যে যুক্তি তার অভাব ঘটবে। যখন পণ্ডীতজী তাঁর অন্ধ সহানুভূতি দিয়ে এই বিলটিকে আশীর্বাদ করেছেন না পড়ে, তখন যে সমস্ত কংগ্রেস সভ্য এখানে আছেন, তাঁদের হয়ত আইনগত ও নীতিগত কর্ত্তব্য হয়ে দাঁড়িয়েছে এই বিল নিঃশব্দে অন্ধভাবে সমর্থন করা এবং এটা সেইভাবে সমর্থিত হবে এবং কয়েক মিনিটেই এই বিল আজকে আইনে পরিণত হবে। এই বিল উপস্থাপিত করবার সময় যে কথা বলা হয়েছে, বারবার উল্লেখ করা হয়েছে যে কথা যখন শক্তিকে দমন করবার প্রয়োজন হয়, অন্য শক্তি প্রয়োগ করে যখন চূর্ণ বিচূর্ণ করবার দরকার হয়, তখন অধিকতর শক্তির প্রয়োজন। কিন্তু মাননীয় সহ-সভাপতি মহাশয়, আমার একথা শুনে মনে হয় এডমণ্ড বার্কের সেই বিখ্যাত উক্তি "when force fails, nothing remains" অর্থাৎ শক্তি যদি পরাভূত হয় তারপরে আর কিছু করবার থাকে না। আমি মনে করি এই শক্তিকে অধিকতর শক্তির দ্বারা দমন করবার চেষ্টায় এই বিল উপস্থিত করা হয়েছে; কিন্তু এই বিলের প্রয়োগের দ্বারা সেই শক্তির ধ্বংস হবে না; সে শক্তি উত্তরোত্তর আগুনের মত বৃদ্ধি পাবে এবং সর্বত্র ব্যাপ্ত হয়ে পড়বে এবং হয়ত একদিন এই বিলের যাঁরা কর্ত্তা তাঁদের উলটে দেবে। তাই যাদের অন্যায়কারী বোলে মনে করেন তাদের দমন করবার জন্য বল প্রয়োগ কোরে বিপরীত ফল হবে ইহাই আমার গভীর আশঙ্কা।

এই বিল উপস্থাপিত করেছেন মাননীয় প্রফুল্ল ঘোষ মহাশয় এবং তাঁর সহকর্ম্মী মন্ত্রিবৃন্দ এবং তাঁর সমর্থক কংগ্রেস সভ্যগণ। এই বিলের প্রথম পর্য্যায়ে এবং দ্বিতীয় পর্য্যায়ে আমরা যে সমস্ত আলোচনা শুনেছি, আমাদের আশা ছিল যে এই সমস্ত আলোচনা শুনে আমাদের মনের মধ্যে বিল সম্বন্ধে যে ঘনীভূত অন্ধকার আছে তা অনেকটা পরিষ্কার হয়ে যাবে এবং হয়ত তার প্রয়োজনীয়তা উপলব্ধি করতে পারব এবং আমরা আরও আশা করেছিলাম যে এই বিলের যে সমস্ত দুষ্ট অংশ আছে সেগুলো দূর হয়ে যাবে এবং যতটুকু নিম্নতম ক্ষমতার প্রয়োজন সেটুকু নিয়ে এই বিল আইনে পরিণত হয়ে ক্ষান্ত হবে। কিন্তু সেদিক দিয়ে আমাদের মনে হতাশা ছাড়া আর কিছুই নাই। কাজেই গভীর বিবেচনার পর আমরা কর্ত্তব্যজ্ঞানে এই সিদ্ধান্তে উপনীত হতে বাধ্য হয়েছি যে এই বিলের কোন অংশই আমরা সমর্থন করতে পারি না। মাননীয় প্রফুল্ল চন্দ্র ঘোষ এবং তাঁর সহকর্ম্মী মন্ত্রিবর্গ যাঁরা এই বিল উপস্থাপিত করেছেন তাঁহাদিগকে হয়ত ভবিষ্যতে দায়ী করা হবে। তাঁদের সঙ্গে ব্যক্তিগত বিরোধ আমাদের নাই, বরঞ্চ তাঁদের প্রতি আমাদের যথেষ্ট শ্রদ্ধা এই ৬ মাসের মধ্যে গড়ে উঠেছিল এবং মনে আশার উদয় হয়েছিল যে এঁদের দ্বারা হয়ত আমাদের দেশে শান্তি স্থাপিত হবে। এই সঙ্গে আমি একথা বলা কর্ত্তব্য মনে করি যে বিশেষ কোরে আমি যে দলের সভ্য এবং সেই দল যাঁদের এখানে নিযুক্ত করেন তাঁদের প্রত্যেকেরই প্রফুল্ল ঘোষ মহাশয়ের প্রতি ব্যক্তিগতভাবে সম্পূর্ণ আস্থা আছে (করতালি) এবং যদি কোন কারণে আজকে অন্য কোন ব্যবস্থা হয় তাতে এদল সুখী হবে না। তাছাড়া আমরা জানি যে ব্যক্তিগতভাবে এই বিলের জন্য আজকে কাকেও দায়ী করা চলে না। এই বিল উপস্থাপিত করবার সময় মাননীয় প্রধান মন্ত্রী মহাশয় বলেছিলেন যে কেন্দ্রীয় যে আইন পরিষৎ আছে সেই আইন পরিষদে যে নীতি স্বীকৃত হয়েছে সেই নীতি অনুসারে এই বিল উপস্থিত করা হয়েছে এবং তাঁরা এই নিরাপত্তা আইনের পৃষ্ঠপোষকতা করেন। তাছাড়া একটা অদ্ভুত অভিনব ব্যবস্থা দেখলাম এই বিলের

সমর্থনে—যা ইতিপূর্বে বিগত ১০ বৎসরের অভিজ্ঞতার মধ্যে কোন দিন দেখি নাই। বাংলার শান্তি রক্ষার জন্য একটা আইন হবে, বাংলার ব্যবস্থার উন্নতির জন্য কি আইন করা প্রয়োজন, কি আইন নাকচ করা প্রয়োজন এ সম্বন্ধে কেন্দ্রীয় নেতৃবৃন্দের মাথা ঘামাবার কোন প্রয়োজন ইতিপূর্বে দেখিনি। কিন্তু গভীর দুঃখের সঙ্গে দেখলাম এক্ষেত্রে এই বিলের সমর্থনের জন্য বড় বড় মহারথী ভীষ্ম কর্ণ, অর্জ্জুন, দ্রোণ প্রভৃতি সকলে রাজনীতিক্ষেত্রে অবতীর্ণ হয়ে এই বিলকে সমবেতভাবে আশীর্বাদ করলেন। এথেকে মনে হয় যে এই বিলের প্রণয়ন শুধু বাংলার প্রয়োজনে নয়, বোধ হয় সারা ভারতের প্রয়োজনে এবং বোধ হয় অপেক্ষাকৃত বেশী প্রয়োজন সেই কেন্দ্রীয় শক্তির যে আজ ভারত শাসন করছে। সেই কারণে আমরা ডাক্তার প্রফুল্ল চন্দ্র ঘোষ মহাশয়কে ব্যক্তিগতভাবে এর জন্য দায়ী করি না এবং আশা করি ভবিষ্যতে বাংলার জনগণ একথা বুঝতে পারবে। তিনি এই বিল উত্থাপন কোরে তার প্রয়োগ সম্বন্ধে যে কথা বলেছেন এবং যে আশ্বাসবাণী দিয়েছেন সেটা প্রধান মন্ত্রী হিসাবেই দিয়েছেন এবং বর্ত্তমানে যে সব কংগ্রেসী বন্ধুরা এখানে এসেছেন তাঁরা সেটা সংরক্ষণ করবেন এটা আশা করা যায়। কিন্তু এই বিলের সমর্থনে সর্ব্বপ্রথমে দেখলাম Assembly Houseএ একদিন এক সরকারী কর্ম্মচারী আমাকে একখানি পত্রিকা এনে দিলেন. তাতে ভারতের ৩ জন শ্রেষ্ঠ নেতার ছবি—মহাত্মা গান্ধী, পণ্ডিত জহরলাল নেহরু এবং সর্দ্দার বল্লভভাই প্যাটেল, এবং তাঁদের উক্তি তাতে উদ্ধৃত করা আছে এবং কোন কোন ঘটনার উল্লেখ সেই কাগজের ভিতর দেখলাম। তারপরে দেখলাম এই কলিকাতার ময়দানে ভারতের প্রধান মন্ত্রী এবং ডেপুটি প্রধান মন্ত্রী মহাসমারোহে এসে এই বিল সমর্থন কোরে গেলেন। এথেকে আমাদের এই স্পষ্ট ধারণা জন্মেছে যে এই বিল একটা সামগ্রিক বিরাট পরিকল্পনার অংশমাত্র। তাছাড়া একথাও শুনেছি যে এই বিলের অনুরূপ বিল ভারতের অন্যান্য প্রদেশে আইনে পরিণত হয়েছে। এর কারণ কি এ বিষয়ে বিবেচনা করতে বসলে মনে পড়ে আমাদের বিগত দিনের ইতিহাস। অনেকে দম্ভ ক'রে বলেন এবং আমাদের পক্ষে জনাব আবদুর রহমন সিদ্দিকি সাহেব একথা স্পষ্ট কোরে বলেছেন যে, যে স্বাধীনতা আমরা লাভ করেছি সেটা বাস্তব স্বাধীনতা নয়। চতুর ইংরাজ রাজার পোষাক পরিত্যাগ কোরে পুনরায় বণিকের পোষাক প'রে এদেশকে শাসন করবার অভিনব ব্যবস্থা করেছেন। সেই ব্যবস্থায় আজকে আমাদের অনেকে রাজা বা মন্ত্রী হয়েছেন গভর্ণর বা লাটও হয়েছেন। একথা সত্য, কিন্তু যদি আমরা মনে করি যে আমরা প্রকৃত স্বাধীন বা আজাদ হয়েছি, তাহলে অত্যন্ত ভুল ক'রব এবং একথা যদি দেশবাসীকে বোঝাবার চেষ্টা করি তাহ'লে আমরা অত্যন্ত অন্যায় করব।

একথা সকলেই জানেন যে রাজনৈতিক শাসনের প্রয়োজন অর্থনৈতিক শোষণের জন্য। যেমন জমিদারের প্রয়োজন হয় প্রজাকে শোষণ করবার জন্য, তেমনি রাজনৈতিক শাসনের জন্য শক্তির প্রয়োজন হয় জনগণকে শোষণ কোরে নিজেদের পুষ্ট করবার জন্য। কিন্তু ইতিহাসের প্রগতির মধ্য দিয়ে এমন একটা অবস্থার সৃষ্টি হয়ে যায় যেখানে শোষণ করা শাসন করার পরিপন্থী হয়ে দাঁড়ায়। সেখানে বুদ্ধিমান ব্যক্তিমাত্রেরই কর্ত্তব্য শাসনের পোষাক ছেড়ে দিয়ে নূতনভাবে শোষণের পোষাক পরিধান করা। সেই রকম মাউণ্টব্যাটেন ইংরাজের পক্ষ থেকে যে রোয়েদাদ আমাদের ঘাড়ে চাপিয়ে দিয়েছেন সেই রোয়েদাদকে আমরা মনে করি —

Sri NIHARENDU DUTT-MAZUMDAR: Sir, Is he relevant?

Janab ABUL HASHEM: Sir, I am perfectly relevant. In the next few seconds I will show you how it is relevant.

Mr. DEPUTY SPEAKER: Yes, you proceed.

Janab ABUL HASHEM: আমি মনে করি মাউণ্টব্যাটেনের যে রোয়েদাদ যেটা কংগ্রেস এবং মোসলেম লীগ উভয়েই একসঙ্গে দস্তখত দিয়েছেন, সেটা না ছিল মোসলেম লীগের লাহোর প্রস্তাবের নীতিমত, না ছিল কংগ্রেসের চিরকালের যে নীতি তার মত। (দুই পক্ষ নিজের নিজের) অথচ দুপক্ষই নিজ নিজ নীতি পরিত্যাগ করে মাউন্টব্যাটেনের নীতি গ্রহণ করেছেন। তার ফলেই সৃষ্টি হলো এই কালা আইন। যাঁরা রাজনৈতিক অবস্থা যেরকমভাবে পরিবর্ত্তিত হচ্ছে তার সম্বন্ধে সামান্য কিছু খবরও রাখেন তাঁরাই জানেন, গভর্ণমেণ্ট জনসাধারণের চোখের অন্তরালে ইংরেজ এবং মার্কিণের সঙ্গে গোপন চুক্তি করেছেন, তাদের ভবিষ্যৎ শোষণের পথ পরিষ্কার করতে, তাদেরই সঙ্গে হাত মিলানো হয়েছে। যতদিন পর্য্যন্ত ইংরেজ এবং শোষণকার্য্যে নূতন ব্রতী মার্কিণ তাদের শোষণের ব্যবস্থা

পরিষ্কার আছে এটা না দেখেছে, ততদিন পর্যন্ত এই মৌরসী সম্পত্তি—এত বড় একটা সাম্রাজ্য নিজে হাতে ছেড়ে দিয়ে যায়নি। সেইজন্যই তাদের সঙ্গে এদের হয়েছে গোপন চুক্তি; এবং সেই চুক্তির ফলেই করতে হবে এই কালা আইন। দিনের পর দিন যতই জাতীয় নানা প্রকারের সমস্যা বেড়ে যাবে আর তার ভিতর দিয়ে বিদেশীর জাঁতাকল ঢুকিয়ে পেষণ করা হবে জাতিকে সেইজন্য কালা আইনের প্রয়োজন। এই আইনের Preamble বা মুখবন্ধে বলা হয়েছে সাম্প্রদায়িক শান্তি বজায় রাখা, গুণ্ডার হাত থেকে রক্ষা এবং বেআইনী অস্ত্রশস্ত্র সংগ্রহ ও ব্যবহার করার উপদ্রব থেকে দেশকে রক্ষা করার জন্য এবং দেশের জনসাধারণের নিরাপত্তা স্থাপনের জন্য এই বিলের প্রয়োজন হয়ে পড়েছে। আমি মনে করি, যে ক'টি কারণ এখানে দেখানো হয়েছে তার একটিও এই বিলের আসল উদ্দেশ্য নয়। প্রথমে এর নাম দেয়া হয়েছিল Special Powers Bill, অতিরিক্ত ক্ষমতার বিল, এই নামেই প্রথমে এটাকে এখানে উপস্থিত করা হয়েছিল এবং প্রচার করা হয়েছিল। তারপর যখন সুরু হলো এই বিলের বিরুদ্ধে বিরোধিতা জনসাধারণের মধ্যে এবং সেটা দেখা দিল নানা আকারে; আর গত দশ বছর ধরে আমি এই পরিষদের সদস্য রয়েছি, এই দশ বছরের ভিতর যা কখনো হতে দেখিনি, এই বিলের সূচনাতে সেইটা হতে দেখলাম। এই Assembly গৃহের সীমানার মধ্য থেকে লোকের উপর গুলি করতে দেখলাম এবং এই বিলের ভিত্তি স্থাপন হয়েছে একজন নিরপরাধ যুবকের রক্তের উপর। কাজেই এটা নিতান্ত অশুভ সূচনা হয়েছে। এবং আমি মনে করি, এদেশের ভবিষ্যৎ শাসনপদ্ধতির এই যদি ভিত্তি হয়, তাহলে ভারতের পক্ষে অত্যন্ত দুর্দিন। জনগণকে ঠকাবার জন্য, তাদের চোখে ধুলো দেবার জন্য যারা ওঁদের প্রতি আস্থা স্থাপন করে এখানে পাঠিয়েছে তাদের ভোলাবার জন্য এই বিলের নাম পাল্টে Security (নিরাপত্তা) এই নাম রাখা হয়েছে। আমি মনে করি আজকে এই নাম পরিবর্তনের মধ্য দিয়ে লোকের চোখে ধুলো পড়লেও শীঘ্রই সকলের কাছে এ বিলের আসল পরিচয় পরিষ্কার হয়ে ধরা পড়বে।

আমার সময় অল্প আর আমার ওদিককার বন্ধুরাও অধীর হয়ে উঠেছেন, আমি সংক্ষেপ করে আনছি। প্রকৃত ব্যাপার এই যে এই বিলটা পরিষদে উপস্থিত করা হয়েছে, এংলো আমেরিকান সঙ্গে বর্তমান রাষ্ট্র নেতাদের যে চুক্তি, সেই চুক্তিকে কার্যকরী করবার জন্য; আর যে জনগণের মনে স্বাধীন ভারতের আশা আকাঙ্ক্ষা জেগে উঠেছে তাদের গলা টিপে ধরে, কণ্ঠরোধ করে কোন রাজনৈতিক, অর্থনৈতিক প্রগতিশীল কোন কার্য্য এগুতে যাতে না পারে সেইজন্য এই বিল আনয়ন করা হয়েছে। ১৫ই আগষ্ট যখন আইন পরিষদের সদস্য হিসাবে নিমন্ত্রিত হয়ে গভর্ণমেণ্ট হাউসে গিয়েছিলাম, শ্রীচক্রবর্ত্তী রাজাগোপালাচারীকে বাংলার গভর্ণররূপে দেখলাম, অতি সাধারণ পোষাক তাঁর, আমাদের চেয়েও সাদাসিদে পোষাক পরিহিত রাজাগোপালাচারীর পিছু পিছু সাদা সেক্রেটারীরা মাথা নীচু করে হেঁটে হেঁটে যাচ্ছে, তখন সেই দৃশ্য দেখে মনে খুব আনন্দ হয়েছিল, যদিও রাজাগোপালাচারীর সঙ্গে আমার কোন ব্যক্তিগত সম্পর্ক নাই, এমন কি তাঁর সঙ্গে আমার কোন পরিচয় পর্য্যন্ত ছিল না, তথাপি ভারতবাসী তিনি একজন, তাঁর পিছনে মাথা হেঁট করে ইংরেজকে চলে যেতে দেখে আনন্দ হয়েছিল আমার। এবং সেদিন গভর্ণমেণ্ট হাউসকে আপন ঘর মনে করে যুবকের দল যখন হুড় হুড় করে ঢুকে পড়েছিল তখন বাস্তবিকই মনে হয়েছিল, আমরা বুঝি সত্যই স্বাধীন হলাম। আসল ব্যাপার হচ্ছে চতুর ইংরেজ যখন যেমন প্রয়োজন তখন ঠিক তাই অভিনয় করতে পারে, প্রয়োজন হলে মাথা হেঁট করতেও পারে, আবার তেমনি গলাও কাটতে পারে। সেদিন প্রয়োজন হয়েছিল, তাই মাথা হেঁট করেছিল।

মাননীয় সহ-সভাপতি মহাশয়, আমার মনে হয়, এ বিল আনা হয়েছে রাজনৈতিক, অর্থনৈতিক, সকল প্রকার প্রগতিশীল আন্দোলনকে দমন করবার জন্য। এই প্রসঙ্গে আমি আর একটা কথা বলতে চাই—গুণ্ডার হাত থেকে রক্ষা করার জন্যই যদি এ বিল আনা হয়ে থাকে তবে আমার পূর্বে রফিক সাহেব যে বলেছেন—প্রচলিত গুণ্ডা আইনটা আর একটু সংশোধন করে কার্য্যকরী করলেই সে প্রয়োজন মিটে যেতো। অবৈধ অস্ত্রশস্ত্র আমদানী ও ব্যবহার বন্ধ করেই যদি দিতে হয়, তবে অনর্থক এরকম একটা অবৈধ আইনের বোঝা প্রাদেশিক আইন পরিষদের উপর পাশ করবার দায়িত্ব না চাপিয়ে কেন্দ্রীয় আইন সভা আরো ভালো করে প্রচলিত অস্ত্র আইনকে সংশোধন করার বিল আনয়ন করতে পারতেন। সুতরাং আসল উদ্দেশ্য সম্বন্ধে জনগণের চোখে ধুলো দিয়ে নাম বদলে এই আইনটিকে এখানে পাশ করিয়ে নেয়া হচ্ছে। তাছাড়া এ আইনটির সংশোধনের যতগুলি প্রস্তাব উঠেছিল তার সবগুলির উত্তরেই প্রায় একই কথা বলা হয়েছে যে দেশের ভিতর বর্তমানে নানা রকম বিপদের আশঙ্কা রয়েছে এইজন্যই এ আইনটার প্রয়োজন। কিন্তু আমি আগেও বলেছি, শেষে আর একবার বলে দিচ্ছে—যে সমস্ত বড় বড় নেতারা এখানে বক্তৃতা

করেছেন তাঁদের সকলের মুখেই ঐ এক কথা। এমন কি আমাদের প্রসিদ্ধ ডাক্তার বিধান চন্দ্র রায় ইনোকুলেশন্, ভ্যাক্সিনেশন, কলেরা, প্লেগ্ প্রভৃতির উল্লেখ করে যে বক্তৃতা করেছেন তা দ্বারা আমি মনে করি, তিনি আমাদের অপমান করেছেন—তিনি যেভাবে বলেছেন তাতে রাজনৈতিক মক্তবের শিশু ছাত্র বলে তিনি আমাদের মনে করেন। সে যাই হউক তিনি তাঁর সেইসব উদাহরণের সাহায্যে বলার দরুণও বিলের ভিতর যে দুষ্ট অংশগুলি আছে সেগুলি দূর হয়ে যাবে না। এ আইনের প্রয়োগ করবেন কারা? সবাই জানে আজকে যিনি প্রধান মন্ত্রী আছেন, তিনি কাল থাকবেন না, কাল কে আসবেন তার কোন ঠিক ঠিকানা নাই। কিন্তু বাস্তবিক পক্ষে এ আইনের প্রয়োগ হবে সরকারী কর্ম্মচারীদের দ্বারা। আমরা শুনতে পাচ্ছি জহরলাল নেহেরু থেকে আরম্ভ করে মাননীয় প্রফুল্ল ঘোষ মহাশয় এবং তাঁহাদের নিম্ন পদস্থ কর্ম্মচারী সকলের মুখেই এক কথা। সকলেই সমস্বরে বলে আসছেন—পুলিশ ও আই. সি. এস্ এবং অন্যান্য সরকারী কর্ম্মচারীর মধ্যে যারা, আমলাতন্ত্রে দুর্নীতিসম্পন্ন ছিল রাতারাতি তাদের মানসিক অবস্থার পরিবর্ত্তন ঘটেছে, তাদের আত্মশুদ্ধি হয়ে গেছে। বিস্ময়ের কথা! যে সমস্ত পুলিশ কর্ম্মচারী দেশপ্রেমিকদের মাথা কেটে এনে লালবাজারে পুতে রাখতো তাদের রাতারাতি আত্মশুদ্ধি হয়েছে— এ অদ্ভুত কথা যাঁদের বিশ্বাস করতে ইচ্ছা হয় করুন, কিন্তু আমি বিশ্বাস করতে অক্ষম। সেই সব কর্ম্মচারীদের নিয়ে কাজ করার প্রয়োজন আমাদের হয়েছিল, তখন তাদের সম্বন্ধে অভিজ্ঞতাও হয়েছিল, এবং সে অভিজ্ঞতা হয়েছে বলেই তাদের বিশ্বাস করা যায় না। এই আইনের মতন মারাত্মক অস্ত্র তাদের হাতে তুলে দিতে আজও বিশ্বাস করা যায় না। (A voice: তবে আপনারা দিয়েছিলেন কেন?) যখন দেশ শাসনের ভার আমাদের হাতে ছিল তখন আমরা অন্যায় করেছি, কিন্তু সেইজন্য পরে যাঁরা এসেছেন পরিবর্ত্তিত অবস্থায় দেশ শাসন করতে তাঁরাও সেই অন্যায়ই করবেন? এখানে, আমার বন্ধু শ্রীনিহারেন্দু দত্ত মজুমদার অভিধানে যতগুলি অপ্রিয় শব্দ পাওয়া যায় এই বিলের বিরোধীদের প্রতি তা প্রয়োগ করেছেন। তাঁকে আমি বলতে চাই—অপ্রিয় শব্দের ব্যবহারকেই যদি তিনি বাগ্মিতা বলে মনে করেন, তাহলে তাঁর চেয়ে বড় বাগ্মী আর কেউ নাই একথা আমি স্বীকার করি। (বিরোধী দলে হাস্য) এ বিলের আলোচনার সময় দেশরক্ষার কথাই বারবার বলা হয়েছে, এবং দেশরক্ষার কথা তুলে বারবার কটাক্ষ করা হয়েছে ইঙ্গিত করা হয়েছে কমিউনিষ্ট পার্টি এবং মুসলীম লীগের প্রতি। এবং বলা হয়েছে যারা এখনো অনেক কিছু অপকর্ম্ম করছে, তাদের দমন করার জন্য এই আইনের প্রয়োজন। কিন্তু আমরা জানি দেশরক্ষার নামে এই আইন কাদের উপর প্রয়োগ করা হবে। মাননীয় প্রফুল্ল ঘোষ মহাশয় কোথাও কোথাও বলেছেন এ আইন মুসলমানদের রক্ষা করবার জন্যই করা হচ্ছে, আবার বড়বাজারে বলা হয়েছে—এ আইন আপনাদের রক্ষার্থেই হচ্ছে, কিন্তু প্রকৃতপক্ষে ইংরেজ আর মার্কিণের চুক্তি রক্ষার জন্যই হয়েছে এ আইন।

কংগ্রেস নেতৃবৃন্দ মনে করে থাকেন তাঁরা যাই করেন তাই দেশের লোককে মেনে নিতে হবে। Louis XIV বলেছিলেন, "I am the State." আজকে তাঁরা মনে করতে আরম্ভ করেছেন যে we are the State; আমরাই রাষ্ট্র। কিন্তু একথা আমরা স্বীকার করি না, তাঁরা যতই বলুন। তাঁরা আজকে সকলকে যদি একথা বলেন যে যেহেতু কাল তারা "লড়কে লেংগে পাকিস্থান" বলেছে বলে আজ তারা দেশপ্রেমিক হতে পারে না, আমরাও বলতে পারি কাল যাঁরা জেল খেটেছেন তাঁরা জেল খেটেছেন বলেই দেশপ্রেমিক হতে পারেন না। আজকে তাঁরা এই যে সমস্ত আইন উপস্থিত করেছেন এই প্রকার আইন যদি ভবিষ্যৎ ভারতের শাসনপদ্ধতির ভিত্তি হয় তাহলে তাঁরা হবেন সবচেয়ে বড় এবং শ্রেষ্ঠ দেশদ্রোহী। বারবার শুনতে পাই যে জেল খেটেছে কে কয়জনে এবং জীবনের কত বৎসর। একথা শুনে শুনে কাণে আমাদের তালা ধরবার যোগাড় হয়েছে। কিন্তু যখন শুনি তখন কেবলই মনে হয় সেই ছেলে বেলায় কলেজেতে অর্থনীতির কেতাবেতে যে পড়েছিলাম "unproductive labour"এর কথা। পরিশ্রম অনেকে করে। পরিশ্রম কে না করে? কৃপণেও বহু পরিশ্রম করে অর্থ সঞ্চয় করে। ডাকাতে বহু পরিশ্রম করে সেই অর্থ ভোগ করে। কাজেই পরিশ্রমই একমাত্র উদ্দেশ্য নয়। তাঁরা কি উদ্দেশ্যে পরিশ্রম করেছিলেন জানি না, কিন্তু আজকে তাঁরা যা করছেন সেটাই যদি তাঁদের পরিশ্রমের উদ্দেশ্য হয়ে থাকে, তাহলে সে উদ্দেশ্য অত্যন্ত গর্হিত।

আজকে আমি মনে করি যে এই আইন প্রয়োগ করবার সময়েতে তাদের মনে এই বিশ্বাস জন্মেছে যে তাদের রাজ্য এবং তাদের নিরাপত্তা অতি প্রয়োজনীয়; এবং যে ব্যক্তি তাদের বিরুদ্ধে কোন কথা বলবে, বা তাদের বিরোধিতা করবে তারা হবে দেশদ্রোহী। এই ধারণা যদি থাকে তাহলে আমরা বলি যে, এখনও আমরা স্থির করিনি যে আমরা কংগ্রেসের সভ্য হবো কি না। অতএব এইটাই হবে অত্যন্ত বড় দেশদ্রোহিতা।

কিন্তু আমরা বলি যে দেশসেবার অধিকার তাঁদের একার নয়। পাকিস্তানই হোক, আর কংগ্রেসের অখণ্ড ভারতই হোক,, এ দুই মত তখনকার যে বাস্তব পরিবেশ তার সৃষ্টি, ইতিহাসের সৃষ্টি। সেই ইতিহাস আজকে অতীত ইতিহাস হয়ে গিয়েছে। দেশ দুই রাষ্ট্র হয়েছে। এখন যে যে রাষ্ট্রের অধিবাসী সে সেই রাষ্ট্রের অধিবাসী একথা স্বীকার করে নিতে হবে এবং সেই রাষ্ট্র রক্ষার জন্য তাদের সর্বপ্রকার ত্যাগ স্বীকার করতে প্রস্তুত থাকতে হবে।

Mr. DEPUTY SPEAKER: Your time is up.

Janab ABUL HASHEM: এক মিনিট, Sir। কিন্তু এই যে আইন করা হয়েছে দেশের সেটায় কেবলমাত্র যাঁরা কংগ্রেস নেতৃত্ব করছেন তাঁদের ব্যক্তিগতভাবে নিজেদিগকে রক্ষা করবার জন্যই করেছেন এ আশঙ্কা অত্যন্ত ব্যাপক। সেজন্য আমরা এই বিলের কোন প্রকার সমর্থন করতে পারি না। পারি আর না পারি বিরোধিতা করা জনসাধারণের খাতিরে আমাদের কর্তব্য। এই বিবেচনা করে আজকে এই বিরোধিতা করতে উঠে আমরা দাঁড়িয়েছি। আজকে যদিও ভোটাধিক্যে এই বিল পাশ হয়ে যাবে, কিন্তু আমি আগেও বলেছি যে আমাদের জনপ্রিয় প্রধান মন্ত্রী প্রফুল্ল চন্দ্র ঘোষ মহাশয়, নীল কণ্ঠের সুধাভাণ্ড নিয়ে দেব এবং দানবের মধ্যে কি দ্বন্দ্ব হয় তা দেখবার জন্য আমরা প্রতীক্ষা করে রইলাম।

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Mr Deputy Speaker, Sir, I wished that in the course of the debate the adjectives and acrimonies had not been introduced While introducing this Bill I myself said that I was sorry that I had to introduce this Bill I believe in the theory that that Government is the best which governs the least. Not only that, I consider that every Government is an organised violence. As a believer in non-violence I do feel that this kind of legislation is not good, but it is a necessary evil When I saw all around me the atmosphere I had no other option as the Home Minister of the province to introduce this Bill and maintain peace and harmony within the province

It has been said times without number that it is a black Bill and 50 times it is a black Bill I may equally say that those who call it black Bill are colour blind, but that is no argument That simply does not help either this way or that way My friends have said, specially the last speaker that the object of the Bill is to perpetuate the Anglo-Indian-American conspiracy and not the objects enumerated in the Bill If he does not believe in the *bona fides* of his opponents and then asks his opponents to believe in his *bona fides* it is illogical He should believe in the *bona fides* of others as he believes in his own *bona fides* I would appeal to the members of the Opposition to throw the searchlight on themselves if they want the searchlight to be thrown on others I do say with all humility that this Bill has been introduced with the sole purpose as enumerated in the Bill I have read it over and over again and I may read it to the House again, namely (to make special provision for the prevention of illegal acquisition possession or use of arms, for the suppression of subversive movements endangering communal harmony or the safety or stability of the Province, for the suppression of *goondas* and for maintaining supplies and services essential to the life of the community") These are the four or five things for which the Bill has been introduced Some people have been saying, "Oh! you have introduced this Bill to suppress the labour movement and the *kishan* movement". I tell you, and I have told you repeatedly, that all legitimate trade union movements and *kishan* movements will not be touched, but if any organisations or individuals under the *gerua* of carrying on a trade union movement or a *kishan* movement indulge in mischievous and violent activities, then they could never claim immunity. Simply because a man is a labour worker or a man is a *kishan* worker he cannot do any wrong specified in the four or five things which I have mentioned—that is a wrong proposition I would say. So a worker engaged in legitimate trade union activities or a worker engaged in

legitimate *kishan* movement activities has nothing to fear, but only those who loot the *property* of the manager of a mill or burn the house of the owner thereof will certainly fall under the purview of this law.

Sir, one of my friends has also said—I do not remember who is that friend, and I hope he will excuse me——

Shaik MOHAMAD RAFIQUE: Then he is not your friend.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Of course every one in this House is my friend.

Shaik MOHAMAD RAFIQUE: But you don't remember his name!

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Many members have spoken on this Bill and it is quite possible for me to forget the names of some of them.

Sir, that friend of mine said that the object of this Bill was to terrorise the Mussalmans in the border areas. It is entirely wrong and he is entirely mistaken. I want to protect the interest of the Hindus and the Mussalmans alike. There are good men among the Hindus and bad men also among them and there are good men among the Mussalmans and bad men among them too. If there are certain bad men in the mufassil area and they are arrested and if you then raise a communal cry, then is it not a disease? It is a disease of the first magnitude. In Eastern Pakistan also a Muslim officer has been arrested for doing a wrong thing. And if a Muslim officer is arrested here and you immediately come and say that he has been arrested simply because he is a Muslim, then I would say that it is entirely wrong. I say that it is directed against unsocial elements, whether they are Hindus or Muslims or zamindars or *kishans*. Nobody can claim immunity wearing a *gerua* or on the plea that he belongs to the majority community.

Shaik MOHAMAD RAFIQUE: Only the Congress will be exempted!

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, some friends have said that the communists will fall under the purview of this law. I say if any communist hobnobs with any foreign imperialist state or any foreign totalitarian state and wants to bring it here, he will certainly fall under this law. He cannot claim immunity for simply being a communist and saying that he has a great deal. Sir, I consider this Bill which many of my friends call a black Bill and consider as a backward step, as a forward step of the first magnitude. Sometimes a backward step is necessary to go a step forward. Sir, you will realise that I have tried and I shall try to the best of my ability to convince my friends. But if they say that everybody else is wrong then it is impossible for me to convince them. But I do never try to emulate my friends. If they think that they have the monopoly of wisdom and if they think their ideology is the best in the world, then I have nothing to say. I know there are certain people who want to do certain things by which democracy may prove to be ineffective; and if democracy proves ineffective, then totalitarianism or fascism will thrive.

Sir, I tell you in all humility that I have never been accustomed to the legislative procedure in this House, but I tell you in all humility that 48 times division has been called and in most of the time two members only have been in the opposition—(Sri JYOTI BASU: Why don't you turn them out?) and they have taken most of the times of the Assembly. That is how you make democracy ineffective. And when you make democracy ineffective, then totalitarianism comes in. Sir, it is our earnest desire and it is the desire of the Congress that totalitarianism may not come in and democracy may function. (Sri JYOTI BASU: That is the American brand of democracy.) If democracy functions we want

an Opposition but the Opposition should function reasonably and then they will influence the majority. But if the Opposition works frivolously—excuse me for using the word—the majority becomes irresponsible.

Sri JYOTI BASU: On a point of order, Sir. I rise on a point of order whether the Prime Minister is in order in referring to the divisions as frivolous.

Mr. DEPUTY SPEAKER: That is his opinion.

Sri JYOTI BASU: But what is your opinion, Sir?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: In a democracy if you want the majority to be responsible, the minority should also develop a sense of responsibility. The minority must not use adjectives and invectives which are always undesirable, and the lesser the use of adjectives, the better for us all. I do say it does good to nobody, but it simply irritates us all.

Coming to the Bill itself, Mr. Khuda Bukhsh says that he would like to amend clauses 16 and 17 as he had proposed in the Select Committee, and in this connection I should like to refresh his memory a bit. I told the members of the Select Committee that if you wanted to refer it to the High Court Judge

Janab MD. KHUDA BUKHSH: On a point of order, Sir. He is divulging the secrets of the Select Committee.

Mr. DEPUTY SPEAKER: Nobody can divulge the deliberations of the Select Committee.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I did not want to divulge the deliberations of the Select Committee.

If you want to refer to the High Court Judge and if you want the Home Minister or the Prime Minister to appear every time with papers, if he is wanted to be before a High Court Judge, then his position becomes impossible.

Then there are other things in the Bill to which objections have been taken. The main thing is detention without trial. If detention without trial is to be taken away, there is no necessity for this Bill. I do say with all humility that detention without trial is a necessity of the State at the present moment.

Sj. Jyoti Basu: Always?

Mr. Jyoti Basu says always. If he becomes the Home Minister, he will think that it is always necessary.

[illegible]: No chance!

Mr. [illegible] says he has no chance. Thank God he has no chance. Otherwise it would become a permanent necessity.

A good deal has been said about civil liberty. Yes, civil liberty is a thing which everybody prizes. I do not prize civil liberty less than anybody, but after independence we have not got the civil liberty to break each other's head. Supposing Mr. Basu wants to take strychnine in the name of civil liberty, certainly I shall haul him up so that he may not take strychnine. That civil liberty no State can give to anybody and it is not civil liberty. Those people who want to illegally acquire arms and ammunition, their civil liberty should be curtailed. That is not civil liberty. That is uncivil licence or criminal liberty. Criminal liberty should be curtailed in all States and in all ordered societies. That is what is the aim of the Bill. There are some people who are simply trying to create a sort of slogan "We are for civil liberty and civil liberty", but their real intention is not civil liberty; it is only uncivil licence so that totalitarianism may come in this country.

Mr. Hashem has spoken of Anglo-American-Indian conspiracy. Mr. Hashem is probably in the confidence of the Britishers or Americans,

otherwise how does he know that this conspiracy is there. (Sri JYOTI BASU: At the head of the Army and Navy, the Britishers are still ruling.) Anglo-American-Indian conspiracy—this sort of shibboleth, this sort of slogan, is trying to delude the people. I do not want to emulate them. America is an independent country and in this Legislature to say that America has entered into a conspiracy with us, I think, is not in good taste. We want friendship with America. Not only that. We want friendship with Russia, although America and Russia may not be on good terms. We do not want to be in conspiracy with any country and we want to rule this country in the interest of the people of this country.

Then Mr. Hashem said that Dr. Ghosh by himself might not have brought this Bill—probably this was a part of a big conspiracy that was hatched in the Centre of the Indian Dominion and then, at the same time, he quotes Pandit Jawaharlal Nehru "I have not gone through the Bill". Then how is it a part of the conspiracy when he has not gone through the Bill? I cannot understand this logic. Conspiracy hatched at the Centre—I say, if you smell conspiracy everywhere, then I do say you will be doing injustice to the community which you are representing today because you must have faith in the majority leaders.

Janab ABUL HASHEM: Is it a threat, Sir?

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: It is not a threat. I say, you will be doing injustice. There is no threat to anybody, but Mr. Hashem is always out for a fight when no fight is intended.

Janab ABUL HASHEM: Thank you, Sir, it sounded like a threat.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: I say, you are doing injustice to your own community which you represent because I do say, your community, the same men of your community will never believe that leaders of the Indian Dominion or men like Pandit Jawaharlal Nehru or Sardar Vallabhbhai Patel have any design on the Muslim community as a whole, but I do say —

Janab ABUL HASHEM: Are we insane?

The Hon'lbe Dr. PRAFULLA CHANDRA GHOSH: But you have been insinuating that for some time. During this debate I have heard it several times and specially Sardar Vallabhbhai Patel was made the target here. I wish that you would respect the Deputy Premier of India—his sentiments should be respected and personal consideration should not be brought in here. I very much deplore that this was done and it is my duty as a Congressman to say that a Congressman of his magnitude can have no design of that type. If you do not believe them, if you do not believe our trusted leaders where are you going to? Then I say "Woe to this country!" If you cannot trust our leaders, if we do not believe the leaders of different communities, then I do say that a terrible calamity awaits us. I appeal to all friends of the Opposition to let us have their hand of fellowship so that we may see West Bengal happy and prosperous. Let us not doubt each other. I do not doubt the sincerity of the Opposition. I do not doubt you, but you always doubt us. What am I to do? You should consider others as honourable as yourselves. Because you are a minority you have no right to say that we are bad. I do not say that you are bad. I do say that this Bill is meant only for those 4 or 5 objectives.

Then you have said about the safety of the State as if that means we are at war with Pakistan. Certainly not. I never anticipate any war between the Eastern Pakistan and West Bengal and I have repeatedly told Mr. Nazimuddin that whatever happens in other parts of India, we must do our level best to keep peace both in West Bengal and East Bengal. Ever since I came to office I tried that. Mr. Abdur Rahman

who was in the Cabinet, that on the very first day when we joined the Cabinet, Mr. Suhrawardy said "My friends in the Opposition". Then I told him "I am in Opposition. We want to work together". That is the spirit in which I have been working. That is the spirit in which the Congress Government will work. We shall try to maintain peace in both parts of Bengal and none of us should do anything by words or by speech in any way to disturb that atmosphere and once we disturb that atmosphere, we do not know what is going to happen.

Mr. Abdur Rahman referred to a case in 24-Parganas where some Muslim houses have been burnt. Do you know the origin of the case? There was altercation between a Hindu merchant and a Muslim merchant over the price of wood. That led to communal trouble and arson and looting. (Shaik MOHAMMAD RAFIQUE: That is how it starts.) That is why I say, we are sitting on a volcano. You may not believe me today, but I tell you, you will believe me tomorrow. Therefore, I tell you that when these things are happening, extraordinary powers are necessary in the hands of the Government. I do say that 24-Parganas is a border area. If the Hindus do mischief towards the Muslims, certainly Hindus will be punished. If the Muslims do similar mischief, they will also be punished. I do say, as a representative of the people, we do not represent only the Hindus while in the Cabinet although we might be elected by the Hindu electorate. As Prime Minister of the province I must be able to say "I represent all. I represent all communities". (Loud cheers.) With that intention I have been working and that is the object of the Bill. I do say that is the object and every member on this side of the House will agree with me at least that that is the Congress objective and with these words, I support this Bill. I do hope you will all pass it with one voice and I feel after what I have said I have convinced my friends. If I have not been able to convince my friends, I am sorry. I regret if I have failed to convince my friends. But I am clear in my conscience about the necessity of this Bill and I think it is in the general interest of the people. I would request through you, Sir, the whole House to pass this Bill in the interest of the province.

It has been said that somebody else will come as the Prime Minister, but whoever comes as the Prime Minister or whoever goes, I say that at least for some time to come the necessity of the Bill will be there. I again say that for some time to come the necessity for a Bill like this will be of the first magnitude. Some members have said that it is a backward step, but I consider it to be a forward step.

With these words, Sir, I support the Bill.

The motion of the Hon'ble Dr. Prafulla Chandra Ghosh that the West Bengal Special Powers Bill, 1947, as settled in the Assembly, be passed was then put and a division taken with the following result:

AYES—47.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Banerji, The Hon'ble Dr. Suresh Chandra.
Barman, The Hon'ble Sri Mohini Mohan.
Basu, Sri Hemanta Kumar.
Bhandari, The Hon'ble Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Bose, Sri Satish Chandra.
Chakravarty, Sri Satish Chandra.
Choudhury, The Hon'ble Sri Annada Prosad.
Clarke, Mr. C. E.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutta, Sri Sukumar.
Dutt-Mazumdar, Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Ghose, Sri A. K.
Ghosh, The Hon'ble Dr. P. C.
Gomes, Mr. D.
Gupta, Sri J. C.
Haldar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Maiti, Sri Nikunja Behari.
Majhi, Sri Nishapati.

Majumdar, The Hon'ble Sri Bhupati.
Mal, Sri Iswar Chandra.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mookerjee, The Hon'ble Sri Kalipada
Mukherji, Sri Dhirendra Narayan.
Murarka, Sri Basantlal.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, Jadabendra Nath.
Platel, . E.
Poddar, nandilal.
Pramanik, Rajani Kanta.
Ray, The Hon'ble Sri Kamal Krishna.
Roy, Sri eswar.
Sen, Sri ndra Nath.
Sinha, Sri mal Chandra.
Walker, M . R.

NOES—12.

Abdul Wahid Sarkar, Mr.
Abdur Rahman, Janab A. F. M.
Abul Hashem, Janab.
Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.
Khuda Bukhsh, Janab Md.
Mahamm... Mia, Janab.
Molla Mohammad Abdul Halim, Janab.
Mudassir Hossain, Janab.
Muhammad Idris, Janab.
Muhammad Rafique, Janab J. P.
Serajuddin Ahammad, Janab.

The Ayes being 47 and the Noes 12, the motion was carried.

The West Bengal Special Powers (Second Amendment) Enactment Bill, 1947.

The Hon'ble Dr. PRAFULLA CHANDRA GHOSH: Sir, with your permission I beg to withdraw the West Bengal Special Powers (Second Amendment) Enactment Bill, 1947, as reported by the Select Committee, as the provisions contained therein have been incorporated in the West Bengal Special Powers Bill, 1947, just now passed by the Assembly.

The West Bengal Special Powers (Second Amendment) Enactment Bill, 1947, was then by leave of the House withdrawn.

Prorogation.

Mr. DEPUTY SPEAKER: I have it in command from His Excellency the Governor that the West Bengal Legislative Assembly do now stand prorogued.

WBGP-48/9-1026A-350